

OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 7 December 1994

The Council met at half-past Two o'clock

PRESENT

THE PRESIDENT

THE HONOURABLE JOHN JOSEPH SWAINE, C.B.E., LL.D., Q.C., J.P.

THE CHIEF SECRETARY

THE HONOURABLE MRS ANSON CHAN, C.B.E., J.P.

THE FINANCIAL SECRETARY

THE HONOURABLE SIR NATHANIEL WILLIAM HAMISH MACLEOD, K.B.E., J.P.

THE ATTORNEY GENERAL

THE HONOURABLE JEREMY FELL MATHEWS, C.M.G., J.P.

THE HONOURABLE ALLEN LEE PENG-FEI, C.B.E., J.P.

THE HONOURABLE MRS SELINA CHOW LIANG SHUK-YEE, O.B.E., J.P.

THE HONOURABLE HUI YIN-FAT, O.B.E., J.P.

THE HONOURABLE MARTIN LEE CHU-MING, Q.C., J.P.

DR THE HONOURABLE DAVID LI KWOK-PO, O.B.E., LL.D., J.P.

THE HONOURABLE SZETO WAH

THE HONOURABLE TAM YIU-CHUNG

THE HONOURABLE ANDREW WONG WANG-FAT, O.B.E., J.P.

THE HONOURABLE EDWARD HO SING-TIN, O.B.E., J.P.

THE HONOURABLE RONALD JOSEPH ARCULLI, O.B.E., J.P.

THE HONOURABLE MARTIN GILBERT BARROW, O.B.E., J.P.

THE HONOURABLE MRS PEGGY LAM, O.B.E., J.P.

THE HONOURABLE MRS MIRIAM LAU KIN-YEE, O.B.E., J.P.

THE HONOURABLE LAU WAH-SUM, O.B.E., J.P.

DR THE HONOURABLE LEONG CHE-HUNG, O.B.E., J.P.

THE HONOURABLE JAMES DAVID McGREGOR, O.B.E., I.S.O., J.P.

THE HONOURABLE MRS ELSIE TU, C.B.E.

THE HONOURABLE PETER WONG HONG-YUEN, O.B.E., J.P.

THE HONOURABLE ALBERT CHAN WAI-YIP

THE HONOURABLE VINCENT CHENG HOI-CHUEN, O.B.E., J.P.

THE HONOURABLE MARVIN CHEUNG KIN-TUNG, O.B.E., J.P.

THE HONOURABLE CHEUNG MAN-KWONG

THE HONOURABLE CHIM PUI-CHUNG

REV THE HONOURABLE FUNG CHI-WOOD

THE HONOURABLE FREDERICK FUNG KIN-KEE

THE HONOURABLE TIMOTHY HA WING-HO, M.B.E., J.P.

THE HONOURABLE MICHAEL HO MUN-KA

DR THE HONOURABLE HUANG CHEN-YA

THE HONOURABLE SIMON IP SIK-ON, O.B.E., J.P.

DR THE HONOURABLE LAM KUI-CHUN

DR THE HONOURABLE CONRAD LAM KUI-SHING, J.P.

THE HONOURABLE LAU CHIN-SHEK

THE HONOURABLE EMILY LAU WAI-HING

THE HONOURABLE LEE WING-TAT

THE HONOURABLE ERIC LI KA-CHEUNG, J.P.

THE HONOURABLE FRED LI WAH-MING

THE HONOURABLE MAN SAI-CHEONG

THE HONOURABLE STEVEN POON KWOK-LIM

THE HONOURABLE HENRY TANG YING-YEN, J.P.

THE HONOURABLE TIK CHI-YUEN

THE HONOURABLE JAMES TO KUN-SUN

DR THE HONOURABLE SAMUEL WONG PING-WAI, M.B.E., J.P.

DR THE HONOURABLE YEUNG SUM

THE HONOURABLE HOWARD YOUNG, J.P.

THE HONOURABLE ZACHARY WONG WAI-YIN

DR THE HONOURABLE TANG SIU-TONG, J.P.

THE HONOURABLE CHRISTINE LOH KUNG-WAI

THE HONOURABLE ROGER LUK KOON-HOO

THE HONOURABLE ANNA WU HUNG-YUK

THE HONOURABLE JAMES TIEN PEI-CHUN, O.B.E., J.P.

THE HONOURABLE ALFRED TSO SHIU-WAI

ABSENT

THE HONOURABLE NGAI SHIU-KIT, O.B.E., J.P.

THE HONOURABLE PANG CHUN-HOI, M.B.E.

THE HONOURABLE LAU WONG-FAT, O.B.E., J.P.

THE HONOURABLE MOSES CHENG MO-CHI

DR THE HONOURABLE PHILIP WONG YU-HONG

IN ATTENDANCE

MR MICHAEL LEUNG MAN-KIN, C.B.E., J.P.
SECRETARY FOR EDUCATION AND MANPOWER

MR ALISTAIR PETER ASPREY, C.B.E., A.E., J.P.
SECRETARY FOR SECURITY

MR CHAU TAK-HAY, J.P.
SECRETARY FOR TRADE AND INDUSTRY

MR HAIDER HATIM TYEBJEE BARMA, I.S.O., J.P.
SECRETARY FOR TRANSPORT

MR DONALD TSANG YAM-KUEN, O.B.E., J.P.
SECRETARY FOR THE TREASURY

MRS KATHERINE FOK LO SHIU-CHING, O.B.E., J.P.
SECRETARY FOR HEALTH AND WELFARE

MRS ELIZABETH MARGARET BOSHER, J.P.
SECRETARY FOR ECONOMIC SERVICES

THE CLERK TO THE LEGISLATIVE COUNCIL
MR RICKY FUNG CHOI-CHEUNG

THE DEPUTY SECRETARY GENERAL
MR LAW KAM-SANG

PAPERS

The following papers were laid on the table pursuant to Standing Order 14(2):

Subject

Subsidiary Legislation	<i>L.N. No.</i>
Electricity (Registration) (Amendment) Regulation 1994	638/94
Import and Export (Registration) (Amendment) Regulation 1994	639/94
Medical Laboratory Technologists (Registration and Disciplinary Procedure) (Amendment) (No. 2) Regulation 1994	640/94
Merchant Shipping (Prevention of Oil Pollution) (Amendment) Regulation 1994	641/94
Merchant Shipping (Safety) (Dangerous Goods and Marine Pollutants) Regulation.....	642/94
Occupational Therapists (Registration and Disciplinary Procedure) (Amendment) (No. 3) Regulation 1994	643/94
Optometrists (Registration and Disciplinary Procedure) (Amendment) Regulation 1994	644/94
Peak Tramway (Safety) (Amendment) Regulation 1994	645/94
Education (Overseas Tertiary Institutions) (Exemption) (Amendment) Order 1994	646/94
Hong Kong Examinations Authority Ordinance (Amendment of Schedule 2) Order 1994.....	647/94
Road Traffic Ordinance (Amendment of Schedule 5) Order 1994	648/94
Immigration (Places of Detention) (Amendment) (No. 2) Order 1994.....	649/94

Rectification of Errors (No. 2) Order 1994	650/94
Organized and Serious Crimes Ordinance (82 of 1994) (Commencement) Notice 1994.....	651/94
Official Languages (Authentic Chinese Text) (Betting Duty Ordinance) Order.....	(C)32/94
Official Languages (Authentic Chinese Text) (Stamp Duty Ordinance) Order.....	(C)33/94
Official Languages (Authentic Chinese Text) (Air Passenger Departure Tax Ordinance) Order	(C)34/94

Sessional Papers 1994-95

- No. 44 — Ocean Park Corporation Annual Report 1993-94
- No. 45 — Chinese Temples Fund Income and Expenditure Account with Balance Sheet and Certificate of the Director of Audit for the year ended 31 March 1994
- No. 46 — Report by the Trustee of the Police Children's Education Trust, Police Education and Welfare Trust for the period 1 April 1993 - 31 March 1994

ADDRESS

Ocean Park Corporation Annual Report 1993-94

MR RONALD ARCULLI: Mr President, tabled before the Council today is the Ocean Park Corporation's Annual Report 1993-94.

In the past financial year ended 30 June 1994, Ocean Park hosted a record 3.2 million visitors, following its remarkable 22% growth of the previous year.

Financially, the Ocean Park has shown a healthy surplus of \$73 million, a net operating surplus of \$53 million, and an operating income which reached a new high of \$301 million.

These positive results were achieved without additional costs to our visitors, as our admission prices, which had been lowered in February 1993, remained stable and are not planned to be increased in the near future.

The most visible highlight of 1993-94 was the first-full year operation of our new family area called "Kids' World". In July and August 1993, the first two months after Kids' World opened, the Park recorded the highest ever summer attendance of over 650 000 visitors, an 18% increase over the previous summer.

Another notable milestone was the creation of the Ocean Park Conservation Foundation. With the assistance of a total of 30 co-operative institutions, including such international organizations as the World Conservation Union and the World Wide Fund for Nature, as well as local bodies such as the Hong Kong Agricultural and Fisheries Department, the Foundation is moving towards establishing itself as a leading force in a co-ordinated campaign, involving educational, scientific and conservationist efforts, to protect and preserve endangered marine mammal species in Asia.

We have also seen satisfying results throughout last year with regard to the Park's renewed emphasis on community service through awareness of the needs of Hong Kong's disabled residents. A series of renovations to facilities, mechanical rides and attractions, at a total cost of HK\$4 million, made the park entirely accessible to handicapped visitors. Most recently, the Park received the 1994 Award for the Most Accessible Open Space for Disabled Persons from the Joint Council for the Physically and Mentally Disabled.

1993-94 was also marked by steady growth, aggressive expansion and continuous commitment for the future. Our long-term development plan shows continuous progress, and will serve to meet the needs of all age groups and preferences within the community. This Christmas, the Park will open a new Dinosaur Discovery Trail and two new rides, the "Ferris Wheel" and the "Eagle" for the continual enjoyment of our family audience.

In all, for the Ocean Park, the last year has been most rewarding, both in financial and non-financial terms. It was a year which we feel will lead to even greater success, as the Park continues to fulfil its mission to provide a balanced mix of recreation, education and conservation. In view of these achievements, I feel it is especially appropriate to acknowledge the successful efforts of the Park's executive management and its nearly 1 000 dedicated staff members. It is through their continuous efforts, Mr President, that the Park has achieved this level of success.

ORAL ANSWERS TO QUESTIONS**Indecency Case at the University of Hong Kong**

1. MISS EMILY LAU asked (in Cantonese): *It was reported that on 30 August this year, a lecturer of the University of Hong Kong exposed himself indecently to a female student in the University library. The University authorities did not report the incident to the Police and the lecturer subsequently left his post at the end of September. In connection with this, will the Government inform this Council:*

- (a) *whether the Hong Kong University has conducted any investigation into the incident; if so, what is the outcome of the investigation; and whether the University has any guidelines specifying how to deal with lecturers or students who are allegedly involved in cases of indecency or theft;*
- (b) *of the number of complaints about immoral acts involving lecturers or students which the University has received this year; and*
- (c) *whether any lecturers of the University have been disciplined or dismissed because of involvement in indecency cases over the past three years?*

SECRETARY FOR EDUCATION AND MANPOWER: Mr President,

- (a) The Administration understands from the University that the student concerned reported the case in writing to the University administration shortly after the incident. She also indicated that she did not intend to report the matter to the police. The University interviewed the member of staff concerned, who did not deny the alleged offence. Medical opinion was sought and the member of staff was asked to resign. He immediately did so, and left the University. The Administration also understands that the University has formal procedures to handle complaints against lecturers and staff involved in cases of indecency or theft. In the case of a criminal offence, it is reported to the police. In addition, a working party was established by the University about a year ago to consider all matters relating to equal opportunities, including gender discrimination and sexual ethics. It is expected that formal guidelines will emerge from this process.
- (b) and (c)

The answer to both is nil.

MISS EMILY LAU (in Cantonese): *Mr President, I am puzzled and surprised because according to the Administration's reply, the student indicated that she did not intend to report the matter to the police and yet the staff member concerned did not deny the alleged offence. I am, however, pleased to know that the University, in handling complaints of this kind, has formal procedures which set out clearly that the University would report to the police in the case of a criminal offence. Will the Government explain to us in more detail as to whether this case is a criminal offence? If so, is the University obliged to accept the student's request though she indicated she did not intend to report the case to the police and how should the University make the decision? Maybe the Administration is in a difficult position to furnish an answer because it is not the authority to which of the University is responsible. Nevertheless, I hope that the Secretary for Education and Manpower may, within his jurisdiction, give the Council some detailed explanation this afternoon. It is particularly strange that the member of staff concerned has clearly admitted the offence and the University's procedures have also laid down clearly that it would report to the police should such a case occurs. Why did the University not report the matter to the police? And has the staff member concerned been able to get away with a handsome sum of money upon his resignation? Thank you, Mr President.*

PRESIDENT: Are you able to answer both aspects of that question, Secretary?

SECRETARY FOR EDUCATION AND MANPOWER: Mr President, of course the Member understands that I am not responsible for the detailed operation or administration of the University because it is an autonomous institution for very good reasons. To the extent that we understand the case, medical opinion was sought on the member of staff who committed that offence. It was medical opinion that the member of staff was suffering from a psychiatric disorder. The University did consider the case in detail but concluded that for the benefit of the University, the student concerned and the staff concerned, the best course of action is to ask the staff to seek medical assistance and to resign immediately. That was done.

As regards whether he would get any benefits arising from his contract, these are matters of detail which I have to ask the University concerned to get the information.

DR CONRAD LAM (in Cantonese): *Mr President, the Secretary for Education and Manpower mentioned in his reply that a Working Party was established a year ago to consider all matters relating to equal opportunities. For the sake of giving the students equal opportunities and taking care of their interests properly, will the Administration inform this Council whether students should be represented on the Court of the University? If so, what should be the number of student representatives if equity is to be upheld; and if not, what are the reasons?*

PRESIDENT: I think your question goes way beyond the original question and the answer, Dr LAM. Do you want another question?

DR CONRAD LAM (in Cantonese): *Mr President, the Secretary for Education and Manpower said in his reply that medical opinion was sought by the University. Will the Secretary inform this Council what medical opinion has been given?*

SECRETARY FOR EDUCATION AND MANPOWER: Mr President, I thought that I have already said the medical opinion was that the member of staff was suffering from a psychiatric disorder. I do not have details of this particular report but I can get it from the University if Members so wish.

REV FUNG CHI-WOOD (in Cantonese): *Mr President, the University of Hong Kong has formal procedures to handle complaints of indecency. In connection with this, has the University followed the established procedures to handle this particular case, such as handing over the case to a specific committee? Is the penalty too light, or is it appropriate just to request the offender to resign?*

PRESIDENT: Two questions there, Secretary.

SECRETARY FOR EDUCATION AND MANPOWER: Mr President, as I understand it the University and in fact all the other University and Polytechnic Grants Committee-funded institutions do have established procedures internally in dealing with complaints or cases of this kind, and in fact in most cases most institutions deal with complaints through their disciplinary committees within the universities or institutions concerned. I assume in this case that it must have gone through the proceedings within the University, but I can get confirmation from the University on this point.

I do not think I have got the second part of Rev FUNG's question.

PRESIDENT: Could you repeat that, Rev FUNG?

REV FUNG CHI-WOOD (in Cantonese): *Mr President, the second part of my question is about the penalty. Does the Secretary for Education and Manpower think that the penalty is appropriate or too light?*

PRESIDENT: He is asking for your opinion, Secretary. You are not obliged to give one.

SECRETARY FOR EDUCATION AND MANPOWER: Mr President, I do not think I can judge the opinion on this case myself.

MR HENRY TANG (in Cantonese): *Mr President, will the Secretary for Education and Manpower tell us whether, in Hong Kong, exposing oneself indecently is a criminal offence? If so, why did the University not report the matter to the police as the Secretary just mentioned in his reply that formal procedures had been established for the University of Hong Kong to handle such cases and that reports would be made to the police? Is it the case that exposing oneself indecently does not constitute a criminal offence in Hong Kong? Apart from tertiary institutions, have any cases similar to this occurred in primary or secondary schools? If so, are there any formal procedures for handling such cases?*

PRESIDENT: You are talking about schools now, Mr TANG.

MR HENRY TANG: *Mr President, yes. Are there any cases similar to this ever reported in schools? If there is, are there any formal procedures in schools?*

PRESIDENT: The original question went to the University. I think we had better keep it at that. Can you answer the first part of the question, Secretary?

SECRETARY FOR EDUCATION AND MANPOWER: Mr President, the first part of the question refers to whether indecencies of this kind constitute a criminal offence. I think I have to take legal advice on this particular point.

MRS SELINA CHOW (in Cantonese): *Mr President, the Government just replied that the member of staff concerned "was asked to resign" instead of being dismissed by the University. When the University asked the staff concerned to resign, under what terms has he been asked to resign and has he been given pecuniary compensation? I believe that Members are very concerned about this. If the staff member concerned tendered his resignation voluntarily and was given compensation in the form of salaries and so on, what were the reasons for the University to handle the case in this manner? Does the Government agree with that?*

SECRETARY FOR EDUCATION AND MANPOWER: Mr President, the Government plays no part in the recruitment or dismissal of staff within the University concerned. As regards the circumstances in which he was asked to resign or was dismissed, I have to get the information from the University and give the Member a reply in writing. (Annex I)

MRS PEGGY LAM (in Cantonese): *Mr President, the Secretary for Education and Manpower mentioned in his reply that the University had formal procedures to handle complaints against lecturers and staff involved in cases of indecency or theft. Is each and every student aware of these formal procedures?*

SECRETARY FOR EDUCATION AND MANPOWER: Mr President, the institution concerned of course has a student affairs office and information of this kind, involving students and staff, will always of course be a matter for information within the University for all staff and students to understand. So my assumption is that this must have been made known within the University.

Target Oriented Curriculum Programme

2. DR TANG SIU-TONG asked (in Cantonese): *The Target Oriented Curriculum (TOC) programme was introduced as a pilot scheme by the Education Department in 12 primary schools in the 1992-93 school year. It is learnt that the TOC programme will be extended to 70 schools in 1995 and that full-scale implementation of the programme in all primary schools will take place in 1996. In connection with this, will the Government inform this Council:*

- (a) *whether the report on the assessment of the pilot scheme carried out in the first 12 schools will be made available to educationists and the public for information;*
- (b) *whether these schools who have participated in the pilot schemes will be willing to participate in the programme;*
- (c) *what are the reasons for extending the pilot scheme to 70 primary schools in 1995; and whether any areas for improvement have been identified in the first phase of the scheme; if so, what those areas are; and*
- (d) *whether the Education Department will consult all schools to ascertain if they wish to join the TOC programme before it is implemented in all primary schools in 1996; and what are the reasons for deciding on the full-scale implementation of the programme without first assessing the extended pilot scheme to be undertaken in 1995?*

SECRETARY FOR EDUCATION AND MANPOWER: Mr President,

- (a) The Target Oriented Curriculum (TOC) was first tried out in 20, not 12, primary schools in the 1992-93 school year. This pilot scheme identified a number of operational problems. These

concerned mainly the proposed timing for implementation in April 1993, the scheme's design and framework, the resultant increased workload for teachers and the need for providing them with adequate support. I am tabling with this reply a summary of the Department's findings on this pilot scheme. This summary of course is available to the public for information. As a result of that survey, the Department decided to postpone the implementation date and appointed an advisory committee to consider all these problems further, and subsequently tried out an improved version of the scheme in 13 schools in 1993-94 and in another 25 schools in 1994-95.

- (b) Of the 20 schools which participated in the pilot scheme in 1992-93, four have applied to take part in the first phase of the Implementation Programme covering Primary I classes in 70 schools in 1995-96 and the remaining in the second phase involving all primary schools in 1996-97.
- (c) The introduction of TOC in 70 primary schools from September 1995 is not an extension of the pilot scheme. This decision has been taken after a most careful evaluation of the results of the pilot scheme and subsequent trials as well as the recommendations of the advisory committee mentioned in paragraph (a) above and the resource implications for the Department. The areas of improvements identified in the pilot scheme and subsequent trials have been incorporated into the final implementation plan.
- (d) The TOC helps schools to develop clear targets and adopt better approaches for more effective teaching, learning and assessment. Teachers will not be able to appreciate the good effects which TOC has on their pupils until they practise it. Implementation planned for September 1996 for all Primary I classes in primary schools is therefore necessary to ensure consistency in the curriculum throughout the primary sector.

The scheme has undergone extensive consultation, trial and development for the past four years. It will continue to develop taking full account of the feedback of the 70 primary schools taking part in the first phase of implementation in 1995-96 and views of Members of this Council and, of course, the general public. Full implementation in September 1996, starting in Primary I in all schools is therefore planned on this basis.

TOC Pilot Scheme 1992-93

The aims of the TOC Pilot Scheme 1992-93 were to try out in sample primary schools to identify operational problems and to modify the TOC implementation plan in the light of the findings of this scheme.

Brief summary of findings

Positive feedback:

- The general principle and spirit was accepted.
- Panel co-ordination was improved because of the need of discussion and collaboration among teachers. (This inferred that there was more work.)

Complaints:

Procedural -

- The implementation schedule to begin in April 1993 was unrealistic.
- There was no consultation outside the Education Department.
- There was little teacher participation, and top-down development was unacceptable.

Support measures -

- The documents were difficult to understand and the targets were sometimes too idealistic.
- There was dissatisfaction with the three-day teacher training seminars.
- There were no appropriate teaching and learning materials and resource materials. The guidelines and exemplary materials were not sufficient.
- Parents were not adequately informed and schools did not feel confident enough to introduce TOC to them.
- Publicity was poor.

Design and framework -

- The assessment framework was not ready: there was concern on over-assessment and the complexity of the method.

- TOC provided diagnosis without remedy: issues of band differences and individual differences were not properly handled.
- There was suspicion that TOC was intended to support Medium of Instruction Grouping Assessment.

Workload -

- Over 94% of teachers in the Pilot Scheme were concerned about the increased workload and shortage of manpower. There was complaint that the large class size did not allow for the strategies recommended in TOC.
- Teachers were dissatisfied that they were asked to write tasks and re-juggle the various parts of textbooks in accordance to the learning targets and objectives.
- Most teachers were unable to cope with task-based and student-centred approaches, and found TOC extremely demanding on their time and efforts.

Development and Improvements Based on the Findings

Remedial measures during the Pilot Scheme

- Subject-specific learning tasks were provided as from November 1992 onwards.
- A series of Saturday consultation sessions were organized in December 1992 - January 1993.
- Schools were provided in early 1993 with reference books, tape-recorders, stationery and duplication paper.

Development since the Pilot Scheme

Procedural -

- The implementation schedule was deferred and an advisory committee was set up to review the situation.
- The Advisory Committee on Implementation of TOC represented broad consultation and its report has further been circulated among related bodies.
- The subject committees under the Curriculum Development Council have been actively involved to increase teacher participation; and major points of development have been discussed among teacher members of the

Resource Development Team (18 teachers attached to the TOC Section). The draft Programmes of Study and Bands of Performance will be circulated to schools for consultation.

Support measures -

- All documents have been simplified and made user-friendly, and the learning targets have been revised for improvement.
- The three-day teacher training programme will be revised and extended to include school-based development in accordance with the recommendation of the Advisory Committee.
- Over 100 learning tasks per subject have been drafted and displayed at TOC Resource Centre. Some have been selected for printing and distribution to schools.
- Teaching and learning materials will be produced by publishers with close monitoring by Curriculum Development Institute (CDI).
- A TOC Resource Centre has been initially set up.
- A pamphlet, a leaflet and a video programme are being prepared for parents and the public at large in accordance with the recommendations of the Advisory Committee.

Design and framework -

- The guidelines for assessment are being drafted for each subject in accordance with the recommendations of the Advisory Committee. There will not be over-assessment. Examples of assessment tasks, Bands of Performance and reporting format have been prepared and will be included in the Programmes of Study for Key Stages 1 and 2.
- Issues of group differences and individual differences will be discussed in the Programmes of Study where appropriate. A set of suggestions on how to cater for individual differences is being prepared by the English Unit, CDI.

Workload -

- The increased teacher ratio and reduction of class size from September 1993 onwards should help to relieve some of the workload problems. TOC encourages learner independence which will ultimately change the interaction patterns between teachers and students.
- Teachers will be provided with ample learning tasks and assessment tasks written by the Resource Development Team, by publishers in their

teaching and learning packages, and by the Bank of Assessment Tasks in due course. However, teachers should still be encouraged to write tasks for their particular groups of learners.

- The number of teachers trained by the Teacher Education Section to cope with task-based and student-centred approaches have increased significantly.

DR TANG SIU-TONG (in Cantonese): *Mr President, the Administration has not answered part (c) and (d) of my question. The Secretary for Education and Manpower mentioned in paragraph (c) of his reply that there were many areas of improvements in the pilot scheme, but he has failed to point them out when we asked him to do so. Secondly, will the Administration inform this Council whether it will be compulsory for all the schools to join this scheme when it is put into practice in 1996? It is mentioned in paragraph (a) of the reply that a summary of the Education Department's findings is tabled today, but I cannot find it on the table.*

SECRETARY FOR EDUCATION AND MANPOWER: Mr President, on the reasons for the assessments, the problems identified are tabled here. I am sorry if Members did not get a copy in time but this was sent to the Council's office before the meeting. The reasons were summarized in the paper tabled. Basically, they involve a number of problems on the procedures and on the support services, focusing mainly on the support services and materials required for teachers to prepare for this new method and approach in the teaching and learning process. It also underlines the importance of adequate resource support provided to schools to start with this new programme. The other aspect of improvement is on the training of teachers and on helping teachers with their workload. All these have subsequently been improved upon in the subsequent trials and will be fully reflected in the beginning of the scheme in September 1995.

So, on the question of whether schools should be asked to look at this before going for full implementation, I think there will be plenty of opportunities for all schools, starting in fact from now until September 1995, to understand more fully all the reasons behind this particular approach, in the curriculum and the Department is ready to explain this at any time. There will in fact be teams of officers and staff helping the teachers concerned to understand it more fully and giving them the support necessary before the scheme is started in September 1995.

Whether or not there will be a review after that process of course still remains open. I think we ought to keep things flexible and consider whether in September 1995, the schools concerned do have problems which have not been overcome and if so, we will be very happy to consider those problems to see how far they can be overcome before September 1996.

So, the short answer is, of course we will not be forcing schools to do this unless they are able and willing to adopt this approach, and given adequate support for the new curriculum, they should welcome this approach, and the parents and the pupils should as well.

MR HENRY TANG: *Mr President, in paragraph (b) of the answer provided by the Secretary, of the 20 schools which participated in the pilot scheme in 1992-93, only four have applied to participate in the first phase of the implementation programme. Now having practised my speed-reading on the pilot scheme's summary of findings, I find that there have been some rather serious complaints from the people who are actually doing this. For example, there is little teacher participation and top-down development is unacceptable. Now judging by the result, it seems the schools are voting with their feet and they have decided not to join the first phase of the implementation programme. Has the Education Department or has the Branch considered other schemes or whether they will have to completely rethink this scheme's implementation procedure, to the effect that it be juggled differently so that you can encourage more schools to participate rather than force-feeding them?*

SECRETARY FOR EDUCATION AND MANPOWER: Mr President, I do not think we can judge the applications of the four schools as the only criteria of response. Indeed, for the first phase of the scheme, we have now more than 70 schools applying to join the first part of the scheme in September 1995, which is an indication that the schools do welcome this very important, very significant improvement for the learning and teaching in our primary schools.

As regards preparation for the teachers concerned, again I think that given the trial scheme and the subsequent further trials on two occasions, I think that teachers will have adequate opportunity to understand the problems involved, and as I said earlier on, the Department stands ready at any time to give teachers more assistance and preparation before the first stage of the scheme in September 1995.

Governor's Business Council

3. MR ERIC LI asked (in Cantonese): *Will the Government inform this Council:*
- (a) *of the total number of meetings held by the Governor's Business Council since its establishment and the average rate of attendance of its members;*
 - (b) *of the issues discussed by the Governor's Business Council; and what suggestions made by the business sector on these issues have*

been accepted by the Government which will help the territory's economic development; and

- (c) *whether the Government will consider making public the matters discussed and the decisions reached after each meeting, in the same way as is done in other important advisory bodies; if not, what measures the Government will take to enhance the transparency of the Governor's Business Council?*

SECRETARY FOR TRADE AND INDUSTRY (in Cantonese): Mr President, since its establishment two years ago, the Governor's Business Council has met twelve times. The average attendance rate is 84%.

The Governor's Business Council has discussed a wide range of issues which have an impact on the economy and the conduct of business in Hong Kong, including inflation, competition, labour shortage, retirement protection, the renewal of China's Most Favoured Nation status in the United States, the economic implications of the outcome of the Uruguay Round of multilateral trade negotiations, corruption and business ethics and land supply, planning and redevelopment procedures. On all these issues, the candid views offered by members of the Governor's Business Council have been extremely helpful in enabling the Governor and the senior officials represented on the Council to appreciate the business sector's perspectives on these issues. Specific issues on which the Governor's Business Council's input has been sought and taken into account include the Government's decision, in respect of competition policy, to ask the Consumer Council to undertake a series of studies on specific sectors of the economy; the strengthening of the Consumer Council so that it can take on a more vigorous role in promoting competition and consumer welfare; the institution of 24-hour border road crossing arrangements at Lok Ma Chau and the development of codes of ethics for the business community.

As regards the third part of the question, I would like to inform the Honourable Member that the Business Council will be consulted at its next meeting about future measures to publicize the main issues discussed at its meetings.

MR ERIC LI (in Cantonese): *Mr President, today I am pleased to hear that the Government has planned to publicize the main issues that have been discussed at meetings of the Business Council. I hope that the Government can keep up its efforts and publicize other issues that have been discussed in the past as well. Established in 1992, the Governor's Business Council is an important component of the Governor's political reform package, and its main objective is to facilitate communication between the Hong Kong Government and the business sector. The attendance rate of 84% proves that the big guns in the business sector have attached great importance to the meetings and have been willing to spend plenty of their valuable time and effort to express their views.*

Why did the Government merely indicated in its reply that it appreciated the Council's perspectives and yet failed to give any specific example to show that it has ever accepted the Council's opinions? Besides, it seems that the establishment of this extra channel of communication has not succeeded in improving the relationship between the Government and the business sector. Is that because the political reform has been unsuccessful or is there a communication problem, with only the business sector "unilaterally" expressing its views to the Governor who has not given due attention to the views?

PRESIDENT: Are you asking the Secretary's opinion on the first part of your question, Mr Eric LI?

MR ERIC LI (in Cantonese): *My question is whether the political reform package has failed or are there problems in terms of the method adopted. Is this only a unilateral communication?*

PRESIDENT: I am going to disallow that question, so rephrase the rest of your question please?

MR ERIC LI (in Cantonese): *Although members of the business sector attach such importance to the Council and take so much trouble to express their opinions, the Government has merely indicated in its reply that the perspectives of the business community are appreciated and has failed to give any concrete example to show that it has accepted any of the opinions. Can the Government give a specific example?*

SECRETARY FOR TRADE AND INDUSTRY (in Cantonese): Mr President, the answer to this question is actually very simple. The nature of the Governor's Business Council is different from that of the Executive Council or other major advisory frameworks such as the Transport Advisory Committee. The Government does not require this Council to make proposals or decisions on issues that cover a narrow scope. The Council is also not required to reach any consensus. Topics discussed at the Council's meetings are therefore rather general while specific questions are not to be touched upon. Furthermore, the meetings of the Council are different from those of the Executive Council in which a concrete proposal or decision has to be made in each meeting. Mr President, although the second part of Mr LI's first supplementary question seems to deviate from the main question, it touches on the operation of the Governor's Business Council and I think I am able to give a brief answer. Regarding Mr LI's allegation that the communication between the Governor and the business sector of Hong Kong is not very good, I think it is only his personal, one-sided view and I am afraid I cannot agree with him. The

Governor is of the view that the Council is immensely valuable and that he has been able to obtain many precious suggestions at its meetings.

MR CHIM PUI-CHUNG (in Cantonese): *Mr President, in the second paragraph of his reply, the Secretary for Trade and Industry has clearly pointed out that about a dozen issues have been discussed in the Governor's Business Council. Besides, I understand that some members of the Council are representatives from the financial sector. May I ask the Secretary whether it is the case that the Government does not attach importance to the activities of the financial sector; and why the dozen of questions cited in the second paragraph have not involved anything relating to the financial sector? Realizing this situation, will the Government make improvement in future so that the Governor can obtain opinions about the whole structure of Hong Kong?*

SECRETARY FOR TRADE AND INDUSTRY (in Cantonese): The discussed issues listed in the second paragraph of the reply may not be exhaustive, and some issues may have been missed out. Nevertheless, matters pertaining to the financial sector have indeed been discussed in the Governor's Business Council. The report made by the Consumer Council on the interest rates of banks, for examples, is one of these. I will certainly reflect Mr CHIM's valuable suggestions to the Governor for his consideration as to whether there should be more discussions on financial issues.

MR JAMES TIEN (in Cantonese): *All matters of concern of the Governor's Business Council mentioned in the reply given by the Secretary for Trade and Industry are directly related to the commercial and industrial sectors. May I ask the Secretary for Trade and Industry whether the Council will consider other problems, such as transport, housing, welfare for the elderly and so on, that concern people's livelihood with which the commercial and industrial sector are equally concerned? Or does the Government think that it is not necessary to consult the commercial and industrial sector on these kinds of problems?*

SECRETARY FOR TRADE AND INDUSTRY (in Cantonese): Mr President, as I have said earlier, it is not possible to list all the issues that have been discussed in the Governor's Business Council in the second paragraph of the reply. In fact, it has also been mentioned in the reply that retirement protection has been discussed in the Council. It can be said that this is related to the elderly and the Council has discussed this issue on a number of occasions. Other issues like transport, housing and so on have also been discussed in the Council. It is only that we have not been able to list each and every discussed item.

MR JIMMY MCGREGOR: *Mr President, may I say that I have had grave doubts about the efficiency of this Council from the very beginning and my question is, can the Secretary say how advice to the Governor from this Council on the range of important issues mentioned is co-ordinated with the advice provided by other boards and councils on the same subjects, such as the Trade Advisory Board, Textiles Advisory Board, Labour Advisory Board and various industrial and technology boards and councils? Are those boards made aware of views expressed by the Business Council and what is the relationship between the Council and the other boards? Mr President, I am concerned to ensure that the Business Council does not place these other boards and councils, which have operated for many, many years in terms of high policy to the Government, into a second division.*

SECRETARY FOR TRADE AND INDUSTRY: Mr President, we have a very efficient way actually of disseminating views expressed on the Governor's Business Council to the various Branches of the Government which are responsible for various subjects. For example, when a particular subject is on the agenda of the Business Council, the Policy Secretary and sometimes other related officials will be in attendance and they will be fully aware through their attendance of views expressed by members. Also, after each meeting, the minutes of the meeting produced are circulated to various Policy Branches so that the relevant Branches may be aware of views expressed by the Business Council which relate to their areas and which require action.

As regards the existing or pre-existing advisory boards and committees, such as the Labour Advisory Board, the Trade and Textiles Advisory Boards, being placed in a second division, I can assure Mr MCGREGOR that there is no risk of that happening because all the other advisory committees set up by the Government concentrate on specific areas in which the Government put specific recommendations to them for advice, whereas the Governor's Business Council takes a much more strategic and overall view of activities which may impinge on the economy. The importance of the other advisory boards and committees have not been impaired by the setting up of the Governor's Business Council and will not be.

PRESIDENT: Not answered, Mr MCGREGOR?

MR JIMMY MCGREGOR: *Not answered in one respect, Mr President. In regard to the question of co-ordination, direct co-ordination between these very important boards and councils which have been operating in Hong Kong for so many years, giving good advice to the Government, the direct liaison between these boards and the Business Council has not been made clear. Mr President, I mean, not just a passage of information through Secretaries in the Government but the question of direct information obtained from these boards and an exchange of views between these boards and this Business Council. Is that left*

to the members to decide or does the Government itself provide such a system of liaison?

SECRETARY FOR TRADE AND INDUSTRY: Mr President, where judged necessary, the Policy Secretary involved will be the one to decide on how the particular advisory board or committee may be affected or is to be consulted on views expressed on the Governor's Business Council. I think Policy Secretaries are more than capable of playing such a co-ordinating role.

MR FRED LI (in Cantonese): *Mr President, the Governor's Business Council has been established for two years. I asked this question when the Council was first set up and I wish to repeat the question here. One of the foremost duties of the Council is to formulate competitive policies, a point which has also been raised by the Secretary for Trade and Industry in his reply. However, the majority of members of the Council are heads of consortia. Conflicts of roles and interests may therefore arise during discussion of questions pertaining to competition. For example, some studies undertaken by the Consumer Council may be basically directed against certain consortia which belong to members of the Council. In this regard, how does the Government avoid conflicts of roles and interests among members of the Council in order to enhance the credibility of the Council?*

SECRETARY FOR TRADE AND INDUSTRY (in Cantonese): Mr President, members of the Governor's Business Council are all well-known personages of the commercial and industrial sectors in Hong Kong. The Administration and even the public at large clearly know the scope and interests of the members' businesses. Hence, the Governor and other Government representatives of the Council basically have a clear understanding of each Member's involved interests. Of course, we already have their backgrounds in mind when we listen to their views. Therefore, it can be said that we have taken this factor into account.

MR HENRY TANG (in Cantonese): *Mr President, I think Mr Christopher PATTEN has a strong belief in democracy and openness and I also believe there is nothing in the Governor's Business Council that cannot be disclosed. For these reasons, will the Government consider making the minutes of each meeting public so that the issues discussed in the Council will be made known to the public and that there will not be any omission in answering questions next time which may otherwise cause my colleague to be dissatisfied with the Secretary for Trade and Industry?*

SECRETARY FOR TRADE AND INDUSTRY (in Cantonese): I entirely agree with what Mr Henry TANG has said and I can also confirm that there is nothing

in the Governor's Business Council that cannot be disclosed. However, we have to understand that meetings of the Council are held for allowing leaders of the business sector to express their personal opinions to the Governor. Hence, it is inappropriate to make public the minutes not only of meetings of this Council, but also of meetings of similar nature held by the Government or the business sector.

MR ERIC LI (in Cantonese): *Mr President, I wish to follow up with a question. It is reported that the questions of political reform and old age pension have been discussed in the Governor's Business Council. Can the Government confirm that such discussions have really been held? Were the opinions expressed by representatives of the business sector identical and how did the Government understand and accommodate these comparatively similar views of the business sector before coming to its decision?*

PRESIDENT: There are two topics there which call for a comment, Secretary.

SECRETARY FOR TRADE AND INDUSTRY (in Cantonese): Mr President, as I have mentioned earlier, the Governor's Business Council has discussed the question of old age pension two or three times. The Council has also touched upon and discussed the constitutional reform package of the Legislative Council. However, as I have said earlier, when each member expresses his opinion, the opinion is expressed as a personal view in the member's personal capacity. I believe Mr LI would have found it very strange if I had told him that consensus on these two very controversial topics could have been reached among the 10-odd to 20 members. The fact is the views of the members are not unanimous. However, I cannot disclose their views one by one here.

Route 3 (Country Park Section)

4. MR ALFRED TSO asked (in Cantonese): *It is learnt that the delay in the construction of Route 3 has caused serious traffic congestion in the western part of the New Territories and affected the development of the region. Although the contract for the construction of the Ting Kau Section of Route 3 has been awarded as scheduled, no decision has yet been reached on the contract for the Country Park Section which is behind its original schedule. In view of this, will the Government inform this Council:*

- (a) *of the progress made in the scrutiny of the private tenders for this Section and the reasons for the delay;*
- (b) *when the conditions for the concession to operate this Section and the relevant legislation will be submitted to this Council for scrutiny;*

- (c) *whether the Government will ensure that the public interest is safeguarded in the drawing up of the tender conditions and the selection of the contractor; and*
- (d) *whether, and if so when, contacts with the Chinese side will be made to further discuss the Route 3 project so as to link it to the proposed large-scale China-Hong Kong Road Network plan recently announced by the City of Shenzhen?*

SECRETARY FOR TRANSPORT: Mr President, let me say, at the outset, that the Administration fully shares the view expressed in this Council and today by the Honourable Alfred TSO that Route 3 is urgently needed both to ease traffic congestion in the northwestern part of the New Territories and to cope with projected growth, especially for cross-border traffic.

I now turn to the specific questions asked:

- (a) First, we have received three very competitive bids for the franchise to build and operate the Route 3 (Country Park Section). This necessitated in-depth negotiations with all three tenderers and also a very detailed assessment of their submissions to enable the Administration to determine the best offer. This part of the exercise took a little longer than expected. Notwithstanding this slight slippage in the timetable, we still expect and are confident that the project can be completed by late 1998 as originally envisaged.
- (b) Second, we are now in the final stages of negotiations with the shortlisted tenderer and expect to be able to submit the enabling bill for the grant of the franchise to this Council in early 1995.
- (c) Third, Members can rest assured that, to safeguard the public interest, we will seek to achieve the best possible terms for the franchise. Indeed, this partly explains why the negotiations with the three bidders have required more time.
- (d) Fourth, the Country Park Section of Route 3 runs from Ting Kau to Au Tau in Yuen Long. It links up with the New Territories Circular Road which provides links to the border. Details of proposals for cross-border points can be discussed by the newly established Co-ordinating Committee on Major Cross-Border Infrastructure.

MR ALFRED TSO (in Cantonese): *The newly-established Co-ordinating Committee on Major Cross-Border Infrastructure plays a very important role in solving and promoting the planning of China and Hong Kong, as well as co-ordinating cross-border projects. The Lingding Sea Bridge and the Shenzhen-Hong*

Kong Western Corridor proposed by China have to be linked up with the road network of Hong Kong, including the Route 3. When will the Government take the initiative to raise this issue with the Chinese side through the Committee? And when is the tentative planning proposal expected to be presented to this Council?

SECRETARY FOR TRANSPORT: Mr President, I certainly agree that this new Committee which has just been established has a very important role. It will enable pragmatic and practical approaches to cross-border projects. As has been announced, I expect that this Committee will meet again some time in January to discuss the agenda and the way forward, and following that I expect that panels will be set up to discuss specific projects, for example, on roads and rails. Once we have some progress I will be happy to report progress to this Council.

MR STEVEN POON (in Cantonese): *Mr President, the legislation on the franchise of the Western Harbour Crossing relating to the charging standard, the automatic toll adjustment formula, the calculation of percentage return and the forecast of traffic flow has aroused heated controversy in the Legislative Council. The fact that the bill had already gained the consent of the Joint Liaison Group (JLG) before being presented to this Council has made it difficult for amendments to be made. Will the Government present the bill on the Route 3 franchise to this Council for discussion before submitting it to the JLG to avoid the embarrassment caused if it has had gained the consent of the JLG before being submitted to this Council?*

SECRETARY FOR TRANSPORT: Mr President, for the Route 3 (Country Park Section) project we intend to follow the same procedures as that for the Western Harbour Crossing and indeed the enabling bill will be modelled much along that for the Western Harbour Crossing. Insofar as procedures are concerned, because this project will straddle 1997, both in terms of implementation and the financial expenses involved, it is sensible and practical to consult and inform the Chinese side. The Legislative Council will of course have the final say when the bill is presented to this Council.

MR LI WING-TAT (in Cantonese): *Mr President, during the discussion of the Western Harbour Crossing franchise last year, the Government provided the operating company with a very high percentage return and a controversial automatic toll adjustment mechanism. One of the reasons, as explained by the Government, was that there was only one bidder and the Government had no other alternatives. Now, the Route 3 (Country Park Section) project has three very competitive bidders. Will the Government consider lowering the percentage return and abolishing the automatic toll adjustment mechanism in the franchise agreement? Thank you, Mr President.*

SECRETARY FOR TRANSPORT: Mr President, in earlier briefings to the Legislative Council Transport Panel, I have made it quite clear, and the Administration has made it quite clear, that for a project of this magnitude the automatic toll adjustment mechanism must be the most practical way ahead. I do not think that any other system would attract bidders for a project of this order of costs. Insofar as the percentage return is concerned, I am sure the Honourable Member will appreciate that I cannot divulge that information today, but suffice it to say, as I have said in my main reply, that we have tried our best to negotiate the best possible deal and the details will be made available to Honourable Members in due course.

MRS MIRIAM LAU (in Cantonese): *Mr President, the Secretary for Transport has admitted in his reply that there was a slight slippage in the timetable in the bidding procedures of the Route 3 project. Will the Secretary inform this Council who should be held responsible for the delay? Furthermore, does the Government have any means to prevent the delay of the entire Route 3 project?*

SECRETARY FOR TRANSPORT: Mr President, I do not think it is a question of apportioning blame for the delay. The negotiations have proved to be quite complex and as I have explained, it is because we have tried to achieve the best possible terms that we required more time in discussing details with the three bidders and it was only through this lengthy process that we have been able to identify and select the shortlisted tenderer with whom we are now into the final stages of negotiation. Despite this slight slippage of about six weeks, we do not expect the completion date to be delayed and as I have said, the Route 3 project should be completed by the end of 1998.

MR EDWARD HO: *Mr President, my question has been asked already. Thank you very much.*

MR WONG WAI-YIN (in Cantonese): *Mr President, since the Route 3 (Country Park Section) project involves a 30-year franchise which straddles 1997, the consent of the Chinese side must be sought. Will the Secretary for Transport inform this Council whether the authority concerned has consulted the Chinese side on the Route 3 franchise? If not, when will the Government discuss this issue with the Chinese side? Besides, our view on the automatic toll adjustment mechanism and charging system of the Western Harbour Crossing differ substantially from the Government's. In this regard, will the Government communicate with this Council and obtain our consensus before presenting the bill?*

PRESIDENT: There are two questions, Secretary.

SECRETARY FOR TRANSPORT: Thank you, Mr President. The answer to the first question is, yes, the Chinese side of the Joint Liaison Group has been informed and indeed they have been informed throughout this exercise at various stages of the studies and regarding the current stages of the negotiations. As I have explained, because this project straddles 1997, that is the practical way forward.

Insofar as the automatic toll adjustment mechanism is concerned and the actual tolls which will be levied, this will be part of the enabling bill and Members will have ample opportunity to discuss and debate that point.

MR HOWARD YOUNG (in Cantonese): *Mr President, in paragraph two of his reply, the Secretary for Transport mentioned that the Government was "now in the final stages of negotiations with the shortlisted tenderer". The word he used is "shortlisted tenderer" which is in the singular instead of the plural form. Does it mean that there is only one shortlisted company? If that company is found to be unsatisfactory after detailed discussions, will it create a situation in which there is no back-up bidder with whom the Government can discuss in a bid to carry out the project?*

SECRETARY FOR TRANSPORT: Mr President, I confirm the Honourable Member's understanding. We are now only dealing with one tenderer, the one that has been shortlisted, but we have made it quite clear to this tenderer that this is subject to the successful outcome of our negotiations with the consortium. In the event — in the unlikely event — highly unlikely event — that we fail to reach agreement, the option is there for us to reopen negotiations with the other two tenderers.

DR TANG SIU-TONG (in Cantonese): *Mr President, the Government has mentioned in paragraph two of its reply that the enabling bill for the grant of the franchise would be submitted to this Council in 1995. When does the Government expect the Route 3 project will commence?*

SECRETARY FOR TRANSPORT: Mr President, we have to have legislation in place before construction can commence because until legislation is enacted, the franchise cannot properly be executed. So I expect and I hope that we will be able to enact this legislation some time during the current Session. So the answer to Dr TANG's question is that hopefully by the middle of this year, at the latest, construction will commence.

MR STEVEN POON (in Cantonese): *Mr President, thank you for letting me to raise a follow-up question. I am not satisfied with the Government's reply just given. According to the Secretary for Transport, the Legislative Council will*

have the final say. In fact, it is untrue, because it will be very difficult for this Council to repudiate any matter that has been agreed on by both countries through the Sino-British Joint Liaison Group (JLG). Can the Government, when discussing this item through the JLG, reach a consensus to the effect that the bill shall be presented to this Council or the public for consultation before it is to be finalized by China and Britain, so that the JLG will be informed of the views of this Council before giving its consent to the bill?

SECRETARY FOR TRANSPORT: Mr President, I believe that the procedures have been well established for projects which straddle 1997 and we are following these procedures. The fact is that to implement this project we need legislation and it is within the power of this Council to enact the legislation, so the decision does rest with this Council.

Trespass in Public Housing Estates

5. TAM YIU-CHUNG asked (in Cantonese): *Recently, there have been complaints from a number of elderly residents in public housing estates, especially those in Chai Wan Estate, that trouble-makers and drug-addicts follow them and intrude into their flats. Some of these undersirable elements even cook and eat inside the flats of these residents. In view of this, will the Government inform this Council:*

- (a) *what measures have been put in place by the Police to deal with such trouble-makers; and*
- (b) *whether consideration will be given to introducing legislation to safeguard the personal safety of these residents?*

SECRETARY FOR SECURITY: Mr President, the police have not received any complaints about trouble-makers or drug addicts entering the homes of residents in public housing estates in Chai Wan.

As regards part (a) of the question, the police conduct regular patrols in public housing estates to help identify trouble-makers and prevent crime. Police officers work closely with the Housing Department and pay particular attention to estates where criminal activity is more prevalent. They also maintain contact with local communities and they advise residents of housing estates how to maintain home security and to encourage them to report crime to the police. If necessary, the police also increase uniform patrols and deploy plain-clothes officers in areas where trouble-makers or addicts congregate.

As regards part (b) of the question, the present legislation is considered to be adequate to deal with people causing a nuisance, stealing or burgling the

homes of residents in public housing estates. There are no plans at present to introduce further legislation.

MR TAM YIU-CHUNG (in Cantonese): *The Secretary for Security in his answer to part (b) of the question said that "the present legislation is considered to be adequate to deal with people causing a nuisance, stealing or burgling the homes of residents in public housing estates." However, if trouble-makers or drug-addicts trespass and refuse to leave but commit no theft, is the present legislation capable of dealing with them?*

SECRETARY FOR SECURITY: Mr President, trespass by itself is not a crime, although certainly if people enter into someone else's home they may well be committing other crimes such as burglary, breaking and entering or theft. Nevertheless, if any resident reports such a case to the police, the police will assist him to ensure that his unwelcome guest leaves the premises. We do not feel it is necessary at present to consider making trespass a criminal offence.

PRESIDENT: Not answered, Mr TAM?

MR TAM YIU-CHUNG (in Cantonese): *Mr President, the Secretary for Security has indeed answered my question but I am not satisfied with his answer. He said trespass was not a criminal offence. If there were such a situation as what happened recently at Governor Patten's house at Fanling where two expatriate reporters trespassed, how would the Administration deal with the nuisance caused to the Governor or other members of the public by trespassers?*

PRESIDENT: I think you might confine your answer to the question of trespass, Secretary.

SECRETARY FOR SECURITY: Mr President, as I have said, although trespass is not in itself an offence, if anybody who has somebody trespassed in their home reports the matter to the police, the police will assist him to ensure that the person leaves.

MR MAN SAI-CHEONG (in Cantonese): *Mr President, the electronic media have done a live coverage of the drug-addicts causing nuisance to residents in public housing estates in Chai Wan and the blatant activities of drug traffickers in these housing estates. The matter has attracted police attention. If Mr TAM's question is based on complaints from real cases, how would the Administration follow up the matter immediately to protect the individual's right to residence and to ensure safety of their property?*

SECRETARY FOR SECURITY: Mr President, yes, it is true that there have been problems with drug addicts in public housing estates in Chai Wan and both the police and the Housing Department have taken action to combat those. This has taken the form of joint police and Housing Department operations, it has taken the form of police and Housing Department attendance at mutual aid committee meetings to advise residents how to deal with such situations and how to report them, and it has also taken the form of physical measures taken by the Housing Department in estates. The information I have, the most recent assessment, is that this has actually made a considerable improvement in the situation in public housing estates in Chai Wan. And such action by the police and the Housing Department will continue.

MR JIMMY MCGREGOR: *Mr President, could the Secretary say whether the elderly complainants who provided this rather disturbing information to the press have been contacted by the police to obtain more details?*

SECRETARY FOR SECURITY: Mr President, I do not know. As far as I know, no report has been made to the police; they do not have any information on who these complainants are but I will try and find out and give a reply in writing. (Annex II)

Mr JAMES TO (in Cantonese): *Mr President, I want to follow up the Secretary for Security's point on police assistance. Since under the present legislation trespass is not a crime, residents, especially elderly residents, can only resort to self-remedy in law. If they are strong enough, they can throw the intruder out; if not, they will have to seek help from the security guards of the Housing Department or the police. However, in assisting residents to throw out the intruders, is the police carrying out the duties of the police force or that of a security guard or a bodyguard for the residents? I believe this is a rather thorny question, but will the Secretary inform this Council whether, under such circumstances, the police is empowered to assist the elderly residents to throw out intruders from the premises and whether the police's action is lawful?*

SECRETARY FOR SECURITY: Mr President, my understanding is that the police will assist the resident or the tenant of the public housing flat to ensure that the person, the intruder, leaves the premises.

MR FRED LI (in Cantonese): *Mr President, I think it is more appropriate to use 'drug-addicts' instead of 'dope fiend' in the question. I believe that housing estates other than in Chai Wan also face similar problems. Drug-addicts are often found having injections or storing drugs in public areas of public housing estates, including stairways in the upper floors. Will the Secretary for Security inform this Council whether the Administration has taken any special actions in*

conjunction with the Housing Department to combat drug addicts who were having injections or storing drugs in the upper floors?

SECRETARY FOR SECURITY: Mr President, I do not have any information on estates other than in Chai Wan, but I can confirm that part of the action taken by the Housing Department in the estates in Chai Wan is to patrol the common areas, to ensure that bedding and other paraphernalia are removed from the public areas, the stairways and so forth. And I am sure that this also takes place in any other public housing estates where this is a problem.

MR TAM YIU-CHUNG (in Cantonese): *Thank you, Mr President. The Secretary for Security said in the first part of his answer that the police had not received any complaints. However, as far as I know, when residents lodged complaints with the police, the police usually asked the elderly complainants: "Do you know him? He is just dropping in to sit down for a while. There is no special problem with that. Owing to human rights considerations, the police cannot take any action." These were the usual responses the complainants got. I feel the authenticity of the reply given under such circumstances that there had not been any complaints is questionable.*

SECRETARY FOR SECURITY: *Mr President, the police have assured me that they have received no such reports and that if they did receive such reports they would act upon them. They would act upon them in the way that I have indicated, that is, by helping the resident or tenant to ensure that the person leaves their premises. They cannot act after the event if no criminal offence has been committed.*

MR JIMMY MCGREGOR: *Mr President, I am very surprised to hear that somebody can enter your home, a private home, and trespass without committing an offence. What I wonder is, can the Secretary advise whether if such a person is ejected — with some force if necessary — constitutes an offence? Does the householder himself commit an offence? I think it is relevant to this question, Mr President.*

PRESIDENT: Secretary, are you able to answer?

SECRETARY FOR SECURITY: The question is of course hypothetical, Mr President. I think it probably depends on the circumstances and the degree of force used, but I think that someone is entitled to remove someone from their premises.

Access Service Inside Tunnels

6. MR HOWARD YOUNG asked: *In regard to the licensing or franchise agreements for tunnels, will the Government inform this Council:*

- (a) *whether such agreements have any stipulations for providing access to other utilities such as mobile phone companies and radio broadcasters to enable their signals to be received inside the tunnels; and*
- (b) *whether, in cases where mobile phone operators are able to provide services inside the cross harbour tunnels, the cost for access for all such operators is determined on a fair and equal basis?*

SECRETARY FOR ECONOMIC SERVICES: Mr President,

- (a) The franchise agreements for privately built tunnels and the management contracts for government tunnels do not include stipulations specifically requiring the provision of access to other utilities, such as telephone companies and radio broadcasters, so as to enable their signals to be received inside the tunnels. In all cases, the prior approval of the Commissioner for Transport is required for the installation of such utilities in the tunnels. This requirement is for road and structural safety reasons.
- (b) Agreements to enable mobile phone services to be provided inside tunnels are negotiated on a commercial basis between the mobile phone operators and the tunnel authorities. To ensure fair competition, mobile phone operators are prohibited under their licences from entering into any agreement or arrangement which has the effect of preventing or restricting competition in the provision of services. To date, the Telecommunications Authority has not received any complaint that a mobile phone operator is unable to provide services in the cross harbour tunnels or any other tunnels on a fair and equal basis. Appropriate action will be taken by the Telecommunications Authority under the licence conditions should it be discovered that a particular operator has entered into an exclusive agreement with the tunnel authority which has the effect of discriminating against other operators.

MR HOWARD YOUNG (in Cantonese): *Mr President, from the reply of the Secretary for Economic Services, it seems that the responsibility of maintaining fair competition rests with the mobile phones licencees, and this can be seen from the licensing conditions. However, the tunnel operators do not have to bear any responsibility in this aspect. Owing to changes in the current market, there are obvious signs indicating that some operating groups of tunnel*

companies intend to offer mobile phone services. Or, as the Route 3 just mentioned, its bidders may well be operating mobile phone services in the future. May I ask the Secretary for Economic Services if he would consider incorporating the same conditions as those applied to the telephone companies into the licenses granted to the future or existing tunnel companies to ensure that this kind of services can be provided on the basis of fair competition?

SECRETARY FOR ECONOMIC SERVICES: Mr President, no company or organization can provide a mobile phone service without obtaining the requisite licence from the Telecommunications Authority and such a licence would only be granted if that company or organization met the prerequisite qualifications, be they both technical and financial, for providing such a service.

I think the question also touches on the question of the terms of the actual franchise agreements with tunnel operators, and with your permission I would refer that part of the question to my colleague the Secretary for Transport.

SECRETARY FOR TRANSPORT: Mr President, I think the initiative for seeking mobile phone connections in the tunnel rests with the companies concerned. All that is required now is for them to seek the consent of the Commissioner for Transport. My colleague, the Secretary for Economic Services, has explained that the Telecommunications Authority in fact has some vetting rules and insofar as legislation is concerned, section 45 of the Cross Harbour Tunnel Ordinance makes it quite clear that the exercise of any services for companies requires the prior approval of the Commissioner. So I think, in short, the initiative rests with the companies concerned.

MR HOWARD YOUNG: *Mr President, I think the thrust of my supplementary has been slightly misunderstood. What I was saying is that there are indications now that operators of current and future tunnels, the same group, do have firm plans to establish mobile telephone services in Hong Kong, whereas previously this did not exist. The thrust of my question was that I was worried whether a situation would arise where the tunnel operators would deliberately favour one mobile telephone operator versus another because of their parent-to-subsidiary company relationships. The only way to fix that would be to put terms on the tunnel operator's licence, not just the telephone operator's licence.*

SECRETARY FOR TRANSPORT: *Mr President, I do not think such a provision is necessary because at the end of the day, as I have said, the permission of the Commissioner for Transport is required. If any applicant feels that he is being unfairly treated this can be taken up with the Commissioner. I think insofar as the tunnels are concerned, and the new tunnels in particular, the facility for having cables and other connections will be there,*

so technically it will be possible to have these services and it is up to the operator to apply for this.

MR JAMES TO (in Cantonese): Mr President, I would like to follow up on Mr Howard YOUNG's question. In the first paragraph of his reply, the Secretary for Economic Services pointed out that the Government did not, in fact, include stipulations requiring the provision of access to other utilities when granting the licences. He also pointed out in the second paragraph that negotiations had to be made with the companies on a commercial basis. Will the Government consider that the electric wave in the atmosphere which passes through tunnels remains within the public area instead of limiting the possibility of providing such services within the scope of the franchise and having it granted to a franchised company? An extreme case is that such company can even block out the broadcasting of certain important messages or public-related messages within the tunnels. May I ask whether such right should be retained to allow the Government to give approval?

SECRETARY FOR ECONOMIC SERVICES: Mr President, I am not aware that at present there is any problem at all either with radio broadcasters or with mobile phone operators gaining access to tunnels. Indeed as I said in my main answer, there has been no complaint received by the Telecommunications Authority on this score. At the present time, a number of mobile phone operators already do have access to the tunnels. For example, one phone operator has access to all the government and private tunnels. Another major operator already has access to most of the existing government and private tunnels and is, I understand, in the process of applying for permission to gain access to the remainder. The same is also the situation in respect of the remaining two mobile cellular operators.

Also, in the case of radio broadcasters, in most cases the cost of piping broadcast signals into the tunnels is paid for by the tunnel operator, be it the private operator or the contractor in the government tunnel. Again, all channels broadcasting are widely available in tunnels as of now. Where there are restrictions, it is mainly to do with limitations on the capacity of the cable running through the tunnel and it is not the result of any discrimination against any particular broadcaster or operator.

PRESIDENT: Not answered, Mr TO?

MR JAMES TO (in Cantonese): Mr President, the thrust of my question is whether the Government has consciously considered that the franchise includes the right to send connection signals in the tunnels for profit making. Is this the original intention of the Government? If so, I can then understand the Government's thinking.

SECRETARY FOR TRANSPORT: Mr President, I think the present arrangements provide for the necessary options for operators to seek to install mobile phones or other broadcasting signals. But obviously, in view of the fact that several Members have spoken on this subject, I am quite happy to look at the franchise terms and agreements for the new tunnel companies to see whether this particular area needs to be tightened up.

MR PETER WONG: *Mr President, is it really desirable or indeed to be encouraged that hand-held mobile phones be used by drivers whilst the vehicle is in motion, particularly in a congested tunnel?*

SECRETARY FOR ECONOMIC SERVICES: Mr President, I do not think it should be construed that the availability of this service encourages individuals to make use of it. This is obviously a matter of personal responsibility. There are of course many phones within cars now which are hands-free phones and which can benefit from the availability of the service within tunnels.

MR STEVEN POON (in Cantonese): *Mr President, the Government just said that it did not realize there was any problem as no one had made any complaints. I believe what it referred to is there have been no complaints from operators or radio broadcasters. However, as many drivers know, many broadcasting signals are impossible of reception after vehicles enter the tunnels. For instance, they have to keep switching channels when listening to news or stocks reports, and in the end they will miss some of the information. Actually, the tunnel companies still reserve a "magic weapon" which enable the companies to use the broadcasting channels if they wish to make an announcement. Sometimes, even the news we are listening to is interrupted by the announcement made by the tunnel companies. As at present, no such requirements are included in the franchise agreements, so will the Government reconsider amending the agreements? And will the new terms be incorporated into the agreements for the new tunnels, such as the one for the Western Harbour Crossing to the effect that the tunnel companies must broadcast all radio channels in Hong Kong? Thank you, Mr President.*

SECRETARY FOR TRANSPORT: Mr President, I believe that the instance of interruptions in the tunnels is much less now than before and the technology now provides for mobile phones and for drivers who are listening to radios to receive the broadcasts with much less interruption. I think as I said earlier in response to Members' questions, I am quite happy to look at the franchise conditions to see if they can be tightened up. Obviously, in respect of existing franchises, this will have to be with the agreement of the franchisees, but for new tunnels we can certainly look at this.

WRITTEN ANSWERS TO QUESTIONS**Parking Spaces Converted for Other Uses**

7. MR STEVEN POON asked (in Chinese): *Parking spaces in the car parks of some buildings have been converted by their owners into fully enclosed storerooms, rendering it impossible for the management offices of these buildings to check whether any prohibited or dangerous goods are kept inside such storerooms. In view of this, will the Government inform this Council:*

- (a) *whether the conversion of a parking space into such use is an offence;*
- (b) *which government department should complaints about such conversion be lodged;*
- (c) *how the department concerned will handle such complaints; and*
- (d) *whether any such complaints have been received in the past 12 months; and if so, what is the outcome in each of the complaints?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President,

- (a) Unauthorized conversion of a parking space for other uses may be an offence under the Buildings Ordinance or a breach of the lease conditions if there are specific provisions in the lease requiring specific areas within the building to be designated for parking purposes or both. The storage of dangerous goods is controlled by the Dangerous Goods Ordinance.
- (b) Complaints can be directed to the Buildings Department on unauthorized building works, Lands Department on breach of lease conditions and the Fire Services Department on the storage of dangerous goods.
- (c) The Buildings Department will advise the owner concerned to remove unauthorized building works. Enforcement action will be taken under the Buildings Ordinance in cases where unauthorized building works threaten imminent danger to life or property, are still under construction or have just been completed or constitute a major contravention of the Buildings Ordinance. Where the conversion constitutes a breach of lease conditions, the Lands Department will issue a warning letter requiring the owner to purge the breach within a specified period. If the owner fails to take action, the lot may be re-entered under the Crown Rights (Re-entry

and Vesting Remedies) Ordinance. Under the Dangerous Goods Ordinance, the Fire Services Department can take action against the illegal storage of dangerous goods, including seizure of the goods and legal action against those responsible.

- (d) In the past 12 months, there have been a total of nine cases of unauthorized conversion of parking spaces for other uses. Reinstatement work has been done in two cases; warning letters have been issued in three cases; and investigation of the remaining four continues. None of these cases involved the storage of dangerous goods.

Extra Land for Housing

8. DR DAVID LI asked: *In his recent policy address, the Governor stated that an extra 70 hectares of land would be granted for housing before 1997-98, subject to the agreement of the Sino-British Land Commission. In view of this, will the Government inform this Council of the respective percentage of land that will be allocated to private developers and public use?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President, of the extra 70 hectares of land for housing which the Government will provide before 1997-98 subject to the agreement of the Land Commission, about 67% will be allocated for public housing, including the Sandwich Class Housing Scheme, and about 33% for private housing.

Redevelopment of Shek Lei Estate

9. MR FREDERICK FUNG asked (in Chinese): *It is learnt that Block 10 of Shek Lei Estate has been included in the Housing Authority's Five Year Redevelopment Programme and is scheduled for clearance in 1996/97. Will the Government inform this Council:*

- (a) *of the month in 1996/97 in which Shek Lei Estate will be cleared;*
- (b) *whether the tenants of Shek Lei Estate have been formally notified by the Housing Department of the date of clearance; and*
- (c) *of the reasons for not placing Shek Lei Estate in the list of estates for rent increase in the recently published "Rent Review for Group B and Former Low-cost Housing Estates"?*

SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS: Mr President, Shek Lei Estate Block 10 has been included in the Housing Authority's current Five Year Comprehensive Redevelopment Programme and its clearance is scheduled for October 1996. A formal announcement on the redevelopment of Shek Lei Block 10 was made on 30 November 1994.

Under Housing Authority policy, flats whose redevelopment is announced prior to the implementation of a rent increase exercise will not be affected by the increase and rents will be frozen at levels prevailing on the date of the announcement of redevelopment. Shek Lei Estate Block 10 was therefore excluded from the rent increase exercise implemented on 1 December 1994.

Tseung Kwan O Hospital

10. DR CONRAD LAM asked (in Chinese): *Regarding the Government's decision to build a hospital at Tseung Kwan O, will the Government inform this Council:*

- (a) *of the estimated cost of the project;*
- (b) *how the Hospital Authority will acquire resources to finance the project, and whether the project will affect other development or improvement programmes of the Hospital Authority; and*
- (c) *when the blueprint for the project will be submitted by the relevant department?*

SECRETARY FOR HEALTH AND WELFARE: Mr President, following announcement by the Governor in his 1994 policy address of our intention to go ahead with the construction of a new hospital in Tseung Kwan O, the Hospital Authority is finalizing a detailed project scope, based on which an estimate of the capital expenditure will be worked out.

The Government will provide the Hospital Authority with sufficient funds to finance this new hospital project. This project will not affect other development or improvement programmes of the Authority, and we are planning to seek the Finance Committee's approval for the necessary funding in 1995.

Car Loans

11. MR ERIC LI asked (in Chinese): *Will the Government inform this Council of the following:*

- (a) *whether the Government has obtained information on car loans granted by banks and financial institutions through statistical surveys or other means; if so, how many cases of mortgage loans on various types of cars have been granted by banks and financial institutions in the past three years, and what are the average and maximum ratios of the loan amount to the price of the car;*
- (b) *whether, if the information mentioned in (a) above is not available, the Government will request banks and financial institutions to supply information on various types of car loans, so as to have a clear picture about the activities of this loan market and its relationship with the recent sharp increase in the number of cars; and*
- (c) *whether the Government will consider requesting the Hong Kong Association of Banks to issue guidelines on the granting of car loans to tighten the percentage of mortgage loan, so as to suppress the growth in the number of cars; if not, what the reasons are?*

SECRETARY FOR FINANCIAL SERVICES: Mr President,

- (a) The quarterly returns by institutions authorized under the Banking Ordinance to the Hong Kong Monetary Authority (HKMA) capture statistics on loans to finance the purchase of "transport and transport equipment" with breakdowns by "shipping", "taxis and public light buses" and "others". Loans to finance the purchase of private cars should account for a significant portion of the amounts reported under the "others" category, but the exact extent cannot be verified. The amounts of loans outstanding under the "taxis and public light buses" and "others" categories as at the end of September 1992, 1993 and 1994 are as follows:

	30.9.92	30.9.93	+ / (-)	30.9.94	+ / (-)
	(\$bn)	(\$bn)	%	(\$bn)	%
Taxis and public light buses	11.1	12.2	9.9	13.8	13.1
Others	33.1	39.5	19.3	40.7	3.0
Total	44.2	51.7	17.0	54.5	5.4

Exposure of the banking sector to car loan business only accounts for a small proportion (4.5% at end September 1994) of the sector's total domestic loans, but it should be noted that statistics of car loan

business of other non-bank financial institutions are not collected by the HKMA. The above figures, therefore, do not represent all car loans granted by financial institutions in Hong Kong.

The quarterly returns to the HKMA does not capture data on the number of loans granted by authorized institutions to finance the purchase of vehicles specifically. Nor is the lending ratio of such loans covered.

- (b) Prudential returns to the HKMA are one of the tools through which the Monetary Authority ensures prudent management of authorized institutions, hence stability of the banking system. There is no plan to require authorized institutions to provide more information about their activities in car loan business since there is not direct prudential concern in such business.
- (c) The Government will not request the Hong Kong Association of Banks to issue guidelines to the banks for the purpose of suppressing the growth in the number of cars since this is not something which gives rise to prudential concern or has any implications on the stability of the banking system.

Potent Herbs in Chinese Medicines

12. DR HUANG CHEN-YA asked (in Chinese): *In view of the presence of potent herbs in more than a hundred proprietary Chinese medicines in common use, will the Government inform this Council:*

- (a) *how many proprietary Chinese medicines available for sale in the territory contain potent herbs;*
- (b) *whether the Government will require manufacturers of these medicines to use labels, explanatory notes and other means to caution the public about the presence of such ingredients;*
- (c) *whether the sale of these medicines will be brought under control; and*
- (d) *whether public hospitals are equipped with relevant data to handle incidents of toxication from Chinese medicines?*

SECRETARY FOR HEALTH AND WELFARE: Mr President, at present, proprietary Chinese medicines are not required by law to be registered. There are, therefore, no records of the composition of proprietary Chinese medicines.

However, the Government Laboratory has been compiling a database of the labelled composition of proprietary Chinese medicines since November 1993. To date, 252 samples have been examined, 18 of which were labelled to contain potent herbs which are listed in a recently published Report of the Working Party on Chinese Medicine (WPCM).

The WPCM Report, endorsed by the Government, has recommended, *inter alia*, that proprietary Chinese medicine should be registered so that permission would be required to import them. Details of such regulation, including any labelling requirements, would need to be worked out by a statutory body to be established. Meanwhile, enforcement of existing legislation governing fitness for consumption, adulteration and advertising of Chinese medicines would follow through.

Whenever any suspected cases of toxication from Chinese medicines are discovered in public hospitals, the Hospital Authority documents the signs and symptoms of the toxication, treatment thereof and the toxicology of the Chinese medicines concerned. This information is circulated within the Hospital Authority in order to raise the awareness of the professional staff in public hospitals and better equip them to handle complications arising from the use of Chinese medicines.

The Hospital Authority has also built up a channel with the Chinese Medicinal Materials Research Centre of the Chinese University of Hong Kong to widen the net of information.

Mongolian Visitors

13. MR MOSES CHENG asked (in Chinese): *Will the Government inform this Council:*
- (a) *how do the current fees charged and the time taken for processing applications for visas from Mongolian visitors coming to the territory for sightseeing or business purposes compare with those required for processing applications for visas to visit Mongolia from local residents; and*
 - (b) *whether the Government will consider negotiating with the Mongolian Government to reach an agreement on reciprocal exemption of visa requirements for visitors, so as to promote the economic and trading relationships between the two places?*

SECRETARY FOR SECURITY: Mr President,

- (a) Nationals of Mongolia require visas to visit Hong Kong; these are issued for a stay of not more than 14 days in Hong Kong.

Applications may be made to the nearest British visa post. The fees are £20 (about HK\$240) for a single visit visa and £30 (about HK\$360) for a multi-visit visa, plus a handling charge of £5 (about HK\$60). The processing time is about three working days.

We understand from the local Mongolian Honorary Consul that visas are also required for local residents who wish to visit Mongolia. The fee for a tourist visit visa for Mongolia costs US\$60 (about \$468) and the processing time is about three days. Applications are handled through a travel agency. Business visas cost US\$35 (about \$273) and the processing time is about one week; for urgent issue, the cost is US\$45 (about \$351). Business visa applications are handled through the Honorary Consul of Mongolia.

- (b) We have no present plans to negotiate with the Mongolian Government reciprocal exemption of visa requirements. We would, however, be willing to consider such an arrangement.

Immigration Queues at Airport

14. MR MARTIN BARROW asked: *Is the Government aware of the growing number of complaints lodged by visitors about immigration queues at the Hong Kong International Airport? If so, will the Government inform this Council:*

- (a) *how many additional immigration staff have been approved in 1994 and how does this figure compare with the number requested by the Director of Immigration;*
- (b) *how many booths exist and what percentage of them are staffed at different times of the day; and*
- (c) *whether it is updating its performance pledges so as to reduce the level of complaints?*

SECRETARY FOR SECURITY: Mr President, we are aware of complaints, but these should be considered in context. 16.5 million passengers used the airport during the first 10 months of 1994; during this period we received 43 complaints about the immigration service at the airport, of which 11 concerned the long waiting time and 18 the shortage of manpower.

- (a) As stated in the Policy Commitments in the Governor's address, 50 additional staff will be allocated to the Immigration Department Airport Division in 1995-96.

- (b) There are 166 immigration counters at the airport, 90 at the arrival level and 76 at the departure level. The counters are in operation from 6.15 am to midnight. Immigration staff are deployed to man up to 80% of the counters during the following peak hours of the day:

<i>Arrival</i>	<i>Departure</i>
9.00 am - 10.00 am	9.00 am - 10.00 am
1.00 pm - 3.00 pm	11.00 am - 4.00 pm
6.00 pm - 9.00 pm	7.00 pm - 10.00 pm

At exceptionally busy periods, additional staff are redeployed from other divisions of the department to man all the counters.

At non-peak operational hours, about 54% of the counters are staffed; only a skeleton staff is on duty overnight.

- (c) The Immigration Department reviews its performance pledges regularly, to ensure that the Department's service has not fallen behind public expectations. The present pledge is to clear 92% of passengers within a waiting time of 30 minutes. In the first 10 months of 1994, 99.84% of departing passengers, and 86.59% of arriving passengers were cleared within 30 minutes. The achievement for arriving passengers is not satisfactory. The additional staff approved for 1995-96 should help to improve this performance, as should the recent installation of optical character readers at the airport.

Subject Preference in Colleges of Education

15. MR CHEUNG MAN-KWONG asked (in Chinese): *With regard to the general decrease in the number of students enrolling for cultural, practical and technical subjects in the colleges of education, will the Government inform this Council:*

- (a) *of the breakdown of the actual number of students enrolled in, and the number of available places offered for, each of these subjects in the past three years, together with the corresponding figures for the current academic year;*
- (b) *whether the authority concerned has carried out any investigation into the causes for the decrease in the enrolment in these subjects; if so, whether they are related to the cancellation of interviews in this year's students intake exercise and whether consideration will be given to undertaking a review of the matter;*

- (c) *of the number of teachers in each of these subjects last year; how many of them have received training and what is the mode of their training, and how many have received full-time or short-term training in the subjects concerned; and*
- (d) *whether the Administration regards the phenomenon that teachers without any training or with short-term training are teaching these subjects in the colleges of education to be a serious matter; and whether any measures will be adopted to improve the situation, so that a balanced and all-embracing development in the teaching of all subjects in primary and secondary schools is achieved?*

SECRETARY FOR EDUCATION AND MANPOWER: Mr President, statistics on the number of students who selected cultural, practical and technical subjects in the academic years 1991-92 to 1994-95 in the former Colleges of Education and the Hong Kong Institute of Education, together with the planned maximum capacity for the respective subjects are set out at Appendix I. It should be noted that both the former Colleges of Education and the Hong Kong Institute of Education adopt a flexible approach in determining the number of classes offering such subjects. Students are admitted to these subjects according to their preferences and qualifications.

The enrolment situation for 1994-95 generally compares favourably with that for the preceding two years, although the enrolment figures for some subjects, for example, Home Economics and Design and Technology have decreased. The fluctuation simply reflects relatively fewer students selecting the subjects concerned this year. It is unrelated to the cancellation of interviews by the Hong Kong Institute of Education in their selection process last September. The Institute will, however, shortly review the 1994 admission policy and procedure with a view to achieving a more even distribution of student enrolment across different cultural and practical subjects.

Statistics on the number of teachers who taught cultural, practical and technical subjects in 1993-94, with a breakdown on their training are set out at Appendix II. The majority of the subject-trained teachers are non-graduates and most of them have been trained either through a full-time pre-service or a part-time in-service teacher education programme.

The Government considers it undesirable to have untrained or inadequately trained teachers teaching any subject. It actively encourages all untrained teachers, including those in the subjects concerned, to become fully trained through in-service teacher education programmes.

Appendix I

Colleges of Education/Hong Kong Institute of Education
Number of Students Who Selected Cultural/Practical/Technical Subjects

Academic Year (position as at 30 September)

<i>Subjects</i>	<i>1991-92</i>	<i>1992-93</i>	<i>1993-94</i>	<i>1994-95</i>	<i>Planned maximum capacity</i>
Art and Design	250	255	256	275	270
Home Economics	82	64	66	44	120
Music	139	136	123	147	270
Physical Education	507	359	348	380	540
Design and Technology	29	25	20	16	45
Commerce	97	103	95	83	90
Technical Drawing	5	8	12	12	45
Total	1 109	950	920	957	1 380

Source: Data from Education Department and Hong Kong Institute of Education
6 December 1994

Appendix II

Statistics on Teachers Teaching Cultural, Practical, and Technical Subjects, 1993-94

<i>Subject</i>	<i>Subject-trained</i>	<i>Non-subject-trained</i>	<i>Total</i>
Art and Design	501	25	526
Home Economics	324	40	364
Music	347	32	379
Physical Education	753	27	780
Design and Technology	265	41	306
Commerce	271	177	448
Technical Drawing	17	15	32
Total	2 478	357	2 835

Source: Data from Education Department
6 December 1994

Video on Demand Service

16. MR ALBERT CHAN asked (in Chinese): *Will the Government inform this Council of the following:*

- (a) *how it will determine whether the nature of Video On Demand (VOD) services comes under the scope of telecommunications or broadcasting; and*
- (b) *whether it will consider regulating programme transmitted through the VOD technology?*

SECRETARY FOR ECONOMIC SERVICES: Mr President, Video-On-Demand (VOD) is a new form of interactive home entertainment and information service being tried out in different parts of the world including Hong Kong. VOD may include video programmes, films, documentaries, karaoke songs, computer games and many forms of information services (such as newspapers, magazines, reference books, encyclopedia and so on).

Unlike broadcasting where programmes are transmitted simultaneously to a mass audience, VOD is a point-to-point transmission service where the programme or information requested is selected by an individual and transmitted to his or her home on request. VOD subscribers will be able to select from a printed or on-screen menu and order the programme of their choice by telephone or a remote control unit provided by the VOD service provider. The video signals will then be transmitted to the subscriber's home through the public telecommunication network to be viewed on a normal television set with the assistance of a special decoder supplied by the VOD operator. To prevent unauthorized access, a Personal Identification Number (PIN) security system may be installed in the decoder.

Similar to other point-to-point telecommunication services (telephone, fax, electronic mail, and so on), the conveyance of VOD will be classified as a telecommunication service and subject to licensing under the Telecommunication Ordinance. Like many other overseas governments, the Hong Kong Government is considering how best to regulate the service provision aspect of VOD, including controls over the contents of transmissions.

Lighting System at Tai Tam Dam

17. MR JIMMY MCGREGOR asked: *In regard to the lighting system at the Tai Tam dam, will the Government inform this Council:*

- (a) *of the cost of the lighting equipment as well as the cost of its installation on the wall of the narrow road on the dam;*

- (b) *of the number of lights installed together with the number damaged by vehicles since their installation, and what is the cost of repairing the damaged lights;*
- (c) *whether the design of this lighting system has been found inadequate and expensive; and*
- (d) *whether this system will be modified so that the lights are moved to a safer distance from the traffic on the narrow road on the dam?*

SECRETARY FOR TRANSPORT: Mr President,

- (a) The cost of the lighting equipment on the road over Tai Tam dam was \$180,000. Installation cost a further \$92,000.
- (b) There are 61 fluorescent light fittings installed on the dam. 12 have been damaged by vehicles since their installation was completed in March this year. The cost of repair was \$9,000.
- (c) The system meets the lighting standard for this type of road. A conventional lighting system is not feasible in this location due to space constraints, but it is believed that based on the length of the dam such a system would have cost about \$182,000 (including installation). In the circumstances, the cost of the non-standard system is considered reasonable.
- (d) To reduce the risk of further damage to the lights, the system was modified on 26 November 1994 by setting back all fittings by a further 300 mm.

Theft at Chek Lap Kok Site

18. MRS SELINA CHOW asked: *In regard to reports of theft at the new airport construction site in Chek Lap Kok, will the Government inform this Council:*

- (a) *of the respective number of reports of theft lodged by contractors working on the site and villagers living in the area in the past three years; and*
- (b) *what measures have been taken by the Government to prevent such losses, and with what results?*

SECRETARY FOR SECURITY: Mr President,

- (a) Statistics on the reports of theft at the new airport construction site at Chek Lap Kok are confined to those lodged by contractors; no villagers have lived on the site for the past three years. There have been five cases of reported theft since 1992. Details are as follows:

<i>Year</i>	<i>Number of thefts</i>
1992	Nil
1993	3
1994	2
(up to present)	

- (b) The police maintain close liaison with the Provisional Airport Authority, which is responsible for security at the Chek Lap Kok new airport site, which is a private construction site.

The Provisional Airport Authority maintains its own force of approximately 50 security staff which ensures that there is 24-hour security coverage of the whole island of Chek Lap Kok. The Authority provides regular patrols, maintains observation posts as appropriate and imposes strict access control to the site. The Authority works closely with the police, through regular meetings and liaison on operational matters.

The Provisional Airport Authority also arranges talks and briefings for all staff and contractors on the site during which topics such as prevention of theft, general security and anti-triad measures are discussed by the Authority's own security staff and police officers.

The few incidents involving theft which have occurred on the new airport site are not major and have been reported to and dealt with by the police in the normal manner.

Public Car Park Monthly Ticket Sale

19. MR WONG WAI-YIN asked (in Chinese): *In view of the large number of people queuing overnight when monthly tickets of some public car parks are put on sale, will the Government inform this Council of the following:*

- (a) *how it can prevent unlawful elements from queuing up to obtain tickets and resell them at increased prices and harassing people in the queue;*
- (b) *how many policemen have to be deployed each time to maintain order; and*

- (c) *whether consideration will be given to replacing the existing arrangement of selling tickets on a 'first-come-first-served' basis by other means such as balloting; if so, when such measure will be implemented; if not, what the reasons are?*

SECRETARY FOR TRANSPORT: Mr President,

- (a) The present arrangements and procedures for the sale of monthly parking tickets are well understood and work very satisfactorily. There have been no major problems. In fact, queuing overnight for such tickets is unnecessary since the available allocation at most government car parks is not taken up fully.

The tickets bear the registration number of the vehicle. Spot checks are carried out by staff of the car park management companies. This helps to ensure that they are not resold.

Earlier this year, problems arose during the sale of quarterly parking tickets at the Government's car park in Shau Kei Wan. Since then, a decision has been taken to abolish quarterly tickets.

- (b) The Transport Department advises the police in advance of the dates for selling monthly tickets. As part of their normal duties, patrolling police monitor the queuing arrangements when tickets are being sold. If necessary, they would request reinforcements. In addition, the companies deploy extra staff during sales periods, to ensure that ticket sales are conducted in an orderly manner.
- (c) The Transport Department conducted a survey in November to seek the views of car park users on the method of selling monthly parking tickets. The results showed that over 80% of users were satisfied with the existing method of sale. In view of this, we do not intend altering the "first-come-first-served" arrangement. Nonetheless the situation will be kept under regular review and changes will be considered if necessary.

Red Public Light Buses

20. MR LEE WING-TAT asked (in Chinese): *According to the existing policy, only operators of red public light buses (PLBs) are eligible to operate green PLBs which run on approved scheduled routes. In this connection, will the Government inform this Council:*

- (a) *how many red PLBs have been converted to green PLBs annually over the past ten years;*

- (b) *whether it will consider converting more red PLBs to green PLBs each year; and*
- (c) *whether it will consider allowing non-franchised PLB operators to tender for the operation of green PLBs so as to encourage more passengers (especially private car owners) to travel on PLBs?*

SECRETARY FOR TRANSPORT: Mr President, under existing policy, any person or company may apply to operate green minibus (GMB) routes. There is no prerequisite for the applicant to be an existing operator of red minibus (RMB) or green minibus services.

In the past 10 years, the total number of GMBs has increased from 937 in 1984 to 1 710 in 1994. Details are annexed.

It is government policy to encourage the conversion of red minibuses to green minibuses. Continued efforts will be made to speed up the conversion by identifying more green minibus routes, taking into account the road system, housing developments, passenger demand and the availability of alternative public transport services. The pace of conversion is, nevertheless, dependent on the availability of suitable routes, which have to be sufficiently attractive to the prospective operators without duplicating existing franchised bus and green minibus routes.

Non-RMB or GMB operators are allowed to apply for the right to operate GMB services. However, applicants must be able to deploy an adequate number of vehicles for the routes they apply for. Since the policy has long been to restrict the size of the minibus fleet to the present size of 4 350, this in practice means that an applicant who is not already an RMB or GMB operator will have to purchase or hire the required fleet from existing operators. Recent conversion exercises have always attracted a large number of applications.

Annex

<i>Year</i>	<i>No. of RMBs converted into GMBs</i>	<i>No. of GMBs</i>
1984	115	937
1985	93	1 030
1986	112	1 142
1987	80	1 222
1988	67	1 289

Year	No. of RMBs converted into GMBs	No. of GMBs
1989	6	1 295
1990	65	1 360
1991	110	1 470
1992	61	1 531
1993	89	1 620
1994 (until 31 October 94)	90	1 710

MOTION

INLAND REVENUE ORDINANCE

THE SECRETARY FOR THE TREASURY moved the following motion:

"That Part II of Schedule 6 to the Inland Revenue Ordinance be amended by adding -

"8. The European Company for the Financing of Railroad Rolling Stock."."

He said: Mr President, I move the resolution standing in my name in the Order Paper.

To enhance Hong Kong's status as an international financial centre and to encourage the development of our capital market, Members approved amendments to the Inland Revenue Ordinance in April 1992 to exempt from profits tax the profits arising from Hong Kong dollar-denominated debt instruments issued by certain credit-worthy multilateral agencies. In addition, Members approved amendments to the Stamp Duty Ordinance to exempt such instruments from stamp duty. Schedule 6 to the Inland Revenue Ordinance specifies the agencies which are so exempt.

The first four multilateral agencies to benefit from such exemptions are the Asian Development Bank, the International Bank for Reconstruction and Development, the International Finance Corporation and the European Investment Bank. In December 1993, Members approved the extension of these exemptions to another three multilateral agencies. They are the European Bank for Reconstruction and Development, the Inter-American Development Bank

and the Nordic Investment Bank. The Inland Revenue Ordinance provides that the Council may make additions to the list of exempt institutions by resolution.

I now propose to add the European Company for the Financing of Railroad Rolling Stock (or EUROFIMA for short) to the list. Like the seven institutions whose Hong Kong dollar-denominated debt instruments now enjoy exemption from profits tax and stamp duty, EUROFIMA is a multilateral body with top credit ratings. It has indicated interest in issuing Hong Kong dollar-denominated debt instruments in our market. We could enhance their attractiveness to investors by granting them exemptions from profits tax and stamp duty. This would contribute to the expansion of the Hong Kong dollar market and our capital market. It would also further promote Hong Kong's development as an international financial centre.

Mr President, I beg to move.

Question on the motion proposed, put and agreed to.

BILLS

First Reading of Bills

IMPORT AND EXPORT (AMENDMENT) (NO. 2) BILL 1994

INDUSTRIAL TRAINING (CLOTHING INDUSTRY) (AMENDMENT) BILL 1994

SHIPPING (MISCELLANEOUS POWERS) BILL 1994

RATING (AMENDMENT) BILL 1994

POLYTECHNICS (CONSEQUENTIAL AMENDMENTS) BILL 1994

Bills read the First time and ordered to be set down for Second Reading pursuant to Standing Order 41(3).

Second Reading of Bills

IMPORT AND EXPORT (AMENDMENT) (NO. 2) BILL 1994

THE SECRETARY FOR TRADE AND INDUSTRY moved the Second Reading of: "A Bill to amend the Import and Export Ordinance."

He said: Mr President, I move the Second Reading of the Import and Export (Amendment) (No. 2) Bill 1994

This Bill, together with the Industrial Training (Clothing Industry) (Amendment) Bill 1994 which I will move later, seeks to provide the necessary legal backing for the use of information technology in applications for restrained textiles export licences and in the lodging of import and export declarations.

Through Tradelink, a private company in which the Government is the major shareholder, the Community Electronic Trading Service will be launched in 1996. The objective of this service is to adopt information technology such as electronic data interchange to facilitate the conduct of international trade by Hong Kong's business community, thereby furthering the economic interests of Hong Kong. Initially, the business community will be able to use the service in applying for restrained textiles export licences and in lodging import and export declarations.

The proposed amendments make it possible for further technology to be used also in conducting business specified under the Import and Export Ordinance in respect of these two documents.

Bill referred to the House Committee pursuant to Standing Order 42(3A).

INDUSTRIAL TRAINING (CLOTHING INDUSTRY) (AMENDMENT) BILL 1994

THE SECRETARY FOR TRADE AND INDUSTRY moved the Second Reading of: "A Bill to amend the Industrial Training (Clothing Industry) Ordinance."

He said: Mr President, I move the Second Reading of the Industrial Training (Clothing Industry) (Amendment) Bill 1994.

The background to this Bill was explained when I moved the Second Reading of the Import and Export (Amendment) (No. 2) Bill 1994 just now.

The proposed amendments make it possible for information technology to be used in lodging export declarations in respect of certain clothing items required under the Industrial Training (Clothing Industry) Ordinance.

Bill referred to the House Committee pursuant to Standing Order 42(3A).

SHIPPING (MISCELLANEOUS POWERS) BILL 1994

THE SECRETARY FOR ECONOMIC SERVICES moved the Second Reading of: "A Bill to amend the Port Control (Cargo Working Areas) Ordinance, the Shipping and Port Control Ordinance, the Merchant Shipping (Prevention and Control of Pollution) Ordinance and the Merchant Shipping (Liability and Compensation for Oil Pollution) Ordinance."

She said: Mr President, I move that the Shipping (Miscellaneous Powers) Bill be read the Second time.

The purpose of the Bill is to transfer certain minor administrative or operational powers, which are currently vested in the Governor either to the Secretary for Economic Services, or to the Director of Marine. These powers relate to:

- (a) designating public cargo working areas, public water fronts or excluded water fronts;
- (b) declaring any area of the waters of Hong Kong to be a port;
- (c) declaring any area of the waters of Hong Kong to be an area closed to dwelling vessels and within which no dwelling vessel may enter or remain;
- (d) giving directions to ships involved in shipping casualties so as to prevent or reduce pollution by oil or other hazardous substances; and specifying what these hazardous substances are; and
- (e) specifying the international safety conventions with which a ship must comply in order to satisfy the requirements of the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage.

Mr President, the exercise of the powers described above does not give rise to any major political, legal or resource implications. We consider that there is no reason why they need to be vested in the Governor personally.

With a view to relieving the Governor of involvement in relatively minor administrative details, we propose that the above powers should be transferred either to the Secretary for Economic Services or to the Director of Marine as specified in the Bill. In so doing, we aim to streamline administration and achieve better efficiency in handling operational matters.

Bill referred to the House Committee pursuant to Standing Order 42(3A).

RATING (AMENDMENT) BILL 1994

THE SECRETARY FOR THE TREASURY moved the Second Reading of: "A Bill to amend the Rating Ordinance."

He said: Mr President, I move that the Rating (Amendment) Bill 1994 be read the Second time.

The Bill now before Members has three main purposes. First, it seeks to transfer the responsibility for rates billing and collection from the Director of Accounting Services to the Commissioner of Rating and Valuation. Secondly, it abolishes half-refunds of rates for vacant non-domestic properties. Thirdly, it proposes a number of amendments to streamline the procedures relating to the administration of the rating system. I now deal briefly with each of them in turn.

On the transfer of Collector of Rates' functions

Under the Rating Ordinance, the Commissioner of Rating and Valuation is responsible for the assessment of rateable values and the Director of Accounting Services, as the Collector of Rates, for the billing and collection of rates. This separation of duties results in an unnecessary and wasteful duplication of effort. Ratepayers are also unsure as to which department they should contact in case of enquiries. I therefore propose to transfer the function of billing and collecting rates to the Commissioner. In this way, the Commissioner will be able to provide a one-stop service for ratepayers. It will also allow better use of the resources of the two departments concerned.

On the abolition of half-refund of rates

In 1974, we abolished the refund of rates for vacant domestic properties to encourage their speedy occupation. However, we continue to allow half-refund of rates for vacant non-domestic premises. As at September 1994, there were 16 700 unoccupied non-domestic properties for which ratepayers had claimed half-refunds. I do not believe there is any compelling reason to maintain this differential treatment. I therefore propose to abolish the half-refund for vacant non-domestic premises to put domestic and non-domestic premises on an equal footing. We estimate that this proposal will result in savings of nearly \$5 million a year and additional revenue of about \$94 million a year.

Nevertheless, vacant land and vacant properties where the vacancy results from a court order upon the application of the Government will remain eligible for full refund of rates. I also propose that for such properties, ratepayers can claim refunds for the entire vacant period instead of for whole calendar months only as at present.

As regards amendments to streamline procedures

We have also taken this opportunity to introduce a number of technical amendments. They streamline the procedures for rates assessment, service of notices and rating appeals. The aim of these various amendments is to improve efficiency and the quality of service to the public.

Mr President, with these remarks, I commend the present Bill to Members.

Bill referred to the House Committee pursuant to Standing Order 42(3A).

POLYTECHNICS (CONSEQUENTIAL AMENDMENTS) BILL 1994

THE SECRETARY FOR EDUCATION AND MANPOWER moved the Second Reading of: "A Bill to make consequential amendments to certain Ordinances on the change of title and status of the Hong Kong Polytechnic to The Hong Kong Polytechnic University and City Polytechnic of Hong Kong to the City University of Hong Kong."

He said: Mr President, I move the Second Reading of the Polytechnics (Consequential Amendments) Bill 1994.

The Bill makes a number of amendments consequential on the change of title and status of the former Hong Kong Polytechnic and the former City Polytechnic of Hong Kong on their assuming new titles as universities and a new status in that capacity.

Members will recall that when these institutions had their Ordinances amended in November, there were a number of consequential amendments included in the legislative package. Those had been identified as the more important consequential amendments and it had been thought that the remaining amendments were in subsidiary legislation. However, a later search by the Legal Department revealed that a number of other consequential amendments are also necessary. This omission is due to oversight on our part when an earlier computer search had failed to identify those consequential amendments.

Mr President, I move under Standing Order 42(3A) that the Second Reading debate on this Bill shall not be adjourned and the debate be proceeded with now.

Amongst the consequential amendments that form this Bill, three are particularly urgent. They involve conferral of qualifications under the Legal Practitioners Ordinance, the Supplementary Medical Professions Ordinance, and the Apprenticeship Ordinance. These need to be in place by the time that the substantive changes to the governing structures of the institutions are made on 1 January 1995. Besides, one of the consequential amendments is made to the Apprenticeship Ordinance which is now being translated into Chinese and due to be authenticated on 13 December 1994. The authentication would have to be deferred if the amendments could not be made before that date. For these reasons, we need to make these amendments as soon as possible. We therefore propose that the three readings of the Bill should be taken in one sitting. This is an exceptional arrangement which we would seek to avoid as far as possible in future, but in view of the fact that this Council will adjourn from 15 December

1994 to 10 January 1995, we would be most grateful for Members' indulgence and support of the passage of this Bill in one sitting.

Thank you, Mr President.

Question on the motion proposed.

MRS ELSIE TU: Mr President, at the House Committee Meeting on 2 December, the Deputy Chairman and I were instructed to inform the Administration that Members would support the Polytechnics (Consequential Amendments) Bill 1994 being passed through all three readings at one sitting, as an exceptional case.

Members expressed the view that this case should not set a precedent for Bills to be rushed through all three Readings before Members have had the opportunity to scrutinize them in the usual way.

The Secretary for Education and Manpower has explained the special circumstances of the case, and I am sure that most if not all Members will support the passing of the Bill today, with the condition that I have already mentioned, that this should not be a precedent for rushing through future bills. Mr President, I therefore seek Members' support for the proposal that all three readings of the Bill should take place at this sitting.

Thank you, Mr President.

SECRETARY FOR EDUCATION AND MANPOWER: Thank you, Mr President. I am most grateful to Mrs TU for Members' support and understanding of this particular case. I do wish to reassure this Council that this is to be an exceptional case and will not establish a precedent in future. Indeed as Members understand, the amendments are entirely technical and straightforward and require no policy changes at all. So I do hope that Members will see the way through to passing this Bill in this sitting. Thank you.

Question on the motion put.

PRESIDENT: Yes, Mr Howard YOUNG?

MR HOWARD YOUNG: Mr President, do we need a quorum to take a vote?

PRESIDENT: Only if it is pointed out to me and in which case I have to summon a quorum.

Question on the motion put and agreed to.

Question on the Second Reading of the Bill proposed, put and agreed to.

Bill read the Second time.

Bill committed to a Committee of the whole Council pursuant to Standing Order 43(1).

CRIMINAL JURISDICTION BILL

Resumption of debate on Second Reading which was moved on 23 February 1994

Question on Second Reading proposed.

MR RONALD ARCULLI: Mr President, the object of the Criminal Jurisdiction Bill is to extend the jurisdiction of Hong Kong courts to enable them to try certain offences of fraud and dishonesty which are specified in the Bill and where part of the offence or its result takes place in Hong Kong. The offences which would be affected by this extended jurisdiction are those relating to obtaining property by dishonest means, or a conspiracy, attempt or incitement to commit those offences.

A Bills Committee was formed to study this Bill. The Committee held three meetings including two with the Administration.

In considering the Bill, the Committee has expressed three major concerns.

Commencement date of the Ordinance

The first concern is the commencement date of the Ordinance. Members noted that the United Kingdom Criminal Justice Act 1993, on which this Bill is modelled, has not been implemented since enactment. We learned through the Legislative Council Office in London that there are a number of issues to be resolved between governmental departments before the Act can be enforced. The Administration is also unable to provide information on this, but it considers delays of over a year in bringing an Act into force not unusual, particularly if subsidiary legislation has to be prepared. To address to our concern, the Administration has undertaken not to name a date under clause 1(2) of the Bill for the commencement of this Bill until the United Kingdom Act has commenced operation.

Offences to which this Ordinance applies

The second concern of the Bills Committee is on the breadth of this Bill.

The Bill covers two categories of offences. Group A are substantive offences of dishonesty. Some offences are from the Theft Ordinance (Cap. 210), some from the Crimes Ordinance (Cap. 200), and also the common law offence of cheating in relation to the public revenue. Group B offences are inchoate offences relating to the Group A offences and the common law offence of conspiracy to defraud.

Deletion of clause 2(2)(c)

In its submission to the Bills Committee, the Hong Kong Society of Accountants expressed reservations on the inclusion of the offence of cheating in relation to the public revenue. It considers that out of ignorance of the law of other jurisdictions, lawyers and accountants may unwittingly commit the offences of conspiracy or attempt to cheat public revenue when devising tax schemes for use in other jurisdictions. The Society is also concerned that the Bill might have the effect of enforcing the revenue law of other countries. My honourable colleague, Mr Martin BARROW, is also concerned that the conviction of a director for false statements by company directors or cheating in relation to public revenue may result in the company being confiscated.

The Administration reconsidered the position and concluded that, in all circumstances, it is unlikely that the offence of cheating the public revenue will result in prosecutions. On the basis of concerns expressed, it agrees to delete this offence (clause 2(2)(c)) from the Bill.

Why some offences are not covered

On the other hand, Members question why some offences are not included. They are concerned as to why corruption is not a Group A offence when cross-border corruption is becoming a grave concern. The Administration explains that its initial plan is to follow the United Kingdom Criminal Justice Act 1993 which had considered but not decided to include corruption. The offences now under Group A are principal offences of dishonesty. There are usually more than one element in the offence proof of which is required for the conviction of that offence. Corruption offences are of very different nature and are generally composed of one single element. Moreover, the Administration is not convinced that there are jurisdictional problems in corruption offences that require an extended jurisdiction over these offences.

Members are also concerned why computer frauds are not covered by the Bill because, with modern technology, it is not difficult for a person to manipulate computer data to achieve frauds elsewhere. The Administration explains that the United Kingdom Act, on which the Bill is modelled, does not

include computer frauds. Besides, the computer misuse criminal offences in Hong Kong were introduced only 18 months ago and are being reviewed.

The Hong Kong Association of Banks also proposes to add some offences to the Bill. For the reasons I mentioned, the Administration does not support the proposal at this stage. If, after the Bill is enacted, it is demonstrated that other offences need to be added to the list, an amendment can always be sought.

Double jeopardy

The third and major concern of the Bills Committee is that the Bill may result in a person being convicted in two jurisdictions in respect of the same wrong. The Hong Kong-China border crimes have been a growing concern; and the situation is complicated by the fact that there is no extradition agreement between Hong Kong and China. The Hong Kong Bar Association also expresses concern over this point.

The Administration explains that, in deciding whether the jurisdiction of Hong Kong courts should, for certain offences, have a wider jurisdiction than at present, the following factors are important —

- (a) the need to have an adequate criminal jurisdiction to protect Hong Kong's interests, including its reputation as an international financial centre;
- (b) the fact that many other common law jurisdictions have a wider jurisdiction than Hong Kong in respect of crimes with a foreign element;
- (c) the rules of international comity (which will not be infringed by the enactment of this Bill);
- (d) the common law doctrines of *autrefois convict* and *autrefois acquit*;
- (e) arrangements under which extraditions are carried out; and
- (f) other steps taken in practice by the international community.

In the Administration's view, the modest extension of Hong Kong's criminal jurisdiction proposed in the Bill is both needed and consistent with the jurisdiction exercised by other developed legal system. It does not think that the theoretical possibility of double jeopardy arising would be a reason for not enacting the Bill.

I share the Administration's view.

Mr President, with these remarks, I support the resumption of Second Reading of the Bill.

ATTORNEY GENERAL: Mr President, I would like to thank Mr ARCULLI and other Members of the Committee for their thorough study of this small but important Bill. If I can just respond briefly to a number of the points that Mr ARCULLI has dealt with this afternoon, taking as the first the application of the Bill, its scope. As drafted the Bill applies, as we have heard, to various attempts at fraud and dishonesty as set out in clause 2(2) of the Bill, together with conspiracies, attempts and incitements at committing such an offence.

As we have heard, Mr President, the Bills Committee discussed whether there is a need to extend the reach of this Bill to cover computer frauds and cross-border corruption. We are not at the moment satisfied that there is evidence of any jurisdictional problems in relation to these offences, but I would like to give this assurance that if any such problems did occur, we would give anxious consideration to bringing those offences within the coverage of this Bill.

If I can turn now to the common law offence of cheating the public revenue. I confirm, Mr President, that we are content to amend the Bill and I will be moving a Committee stage amendment to that effect to delete this offence. We are satisfied that prosecutions for the offence are unlikely to be brought in Hong Kong, given the broad statutory offences in section 82 of the Inland Revenue Ordinance.

I should mention at this juncture, Mr President, that I will be moving two other Committee stage amendments, both of them being matters of drafting rather than of substance. One will improve the Chinese version of the offence of evasion of liability by deception, and the other is to remove from clause 5 some words that are redundant and that could possibly cause difficulties if retained.

Perhaps I could now briefly turn to the question of double jeopardy, a point that Mr ARCULLI has mentioned and a matter that was of concern to the Bills Committee. It is undeniable that there is the possibility of a person being convicted of an offence both in Hong Kong and in another jurisdiction in respect of the same conduct, and that possibility exists because the Bill extends the jurisdiction of our Courts to convict a person in respect of conduct performed partly here and partly outside Hong Kong. But I would note that the risk of double jeopardy already exists. It is not a new risk because many countries already exercise extraterritorial jurisdiction and can already convict a person in respect of conduct in Hong Kong. That problem cannot be solved by the Bill's modest extension of Hong Kong's criminal jurisdiction. Nor would I say that it is a good reason for not enacting the Bill.

Finally, Mr President, I turn to the commencement date. As Mr ARCULLI has explained, the Bill is based on legislation enacted in England as recently as 1993 and that legislation has not yet come into operation. The Committee was concerned that this might indicate that problems might have been identified in respect of that legislation. Although there is nothing to indicate that this is the case, the Committee would prefer that we hold back the

introduction of this legislation or its coming into operation until the English model is in force. Mr President, I am content that that should be the case and I can confirm that we will not bring this Bill into operation before the English legislation. Thank you.

Question on the Second Reading of the Bill put and agreed to.

Bill read the Second time.

Bill committed to a Committee of the whole Council pursuant to Standing Order 43(1).

Committee Stage of Bills

Council went into Committee.

POLYTECHNICS (CONSEQUENTIAL AMENDMENTS) BILL 1994

Clauses 1 to 10 were agreed to.

CRIMINAL JURISDICTION BILL

Clauses 1, 3, 4 and 6 to 9 were agreed to.

Clauses 2 and 5

ATTORNEY GENERAL: Mr Chairman, I move that clauses 2 and 5 be amended as set out in the paper circulated to Members.

Clause 2(2)(a) is amended in order to improve the reference in the Chinese text to the offence of evasion of liability by deception. Clause 2(2) is also amended by deleting the reference to the offence of cheating the public revenue.

Clause 5 is amended by deleting redundant words.

Mr Chairman, I beg to move.

Proposed amendments

Clause 2

That clause 2(2) be amended, by deleting paragraph (c).

That clause 2(2)(a) be amended, by deleting "債務" and substituting "法律責任".

Clause 5

That clause 5 be amended —

- (a) in paragraph (a), by deleting "at a place".
- (b) in paragraph (b)(i), by deleting "a place in Hong Kong to a place" and substituting "Hong Kong to".
- (c) in paragraph (b)(ii), by deleting "a place elsewhere to a place in" and substituting "elsewhere to".

Question on the amendments proposed, put and agreed to.

Question on clauses 2 and 5, as amended, proposed, put and agreed to.

Council then resumed.

Third Reading of Bills

THE ATTORNEY GENERAL reported that the

POLYTECHNICS (CONSEQUENTIAL AMENDMENTS) BILL 1994

had passed through Committee without amendment and the

CRIMINAL JURISDICTION BILL

had passed through Committee with amendments. He moved the Third Reading of the Bills.

Question on the Third Reading of the Bills proposed, put and agreed to.

Bills read the Third time and passed.

PRIVATE MEMBER'S MOTIONS**INTERPRETATION AND GENERAL CLAUSES ORDINANCE**

MR STEVEN POON moved the following motion:

"That, in relation to the Commodities Trading Ordinance (Amendment of Schedule 1) Order 1994 published as Legal Notice No. 564 of 1994 and laid on the table of the Legislative Council on 9 November 1994, the period referred to in section 34(2) of the Interpretation and General

Clauses Ordinance for amending subsidiary legislation be extended under section 34(4) of that Ordinance until 14 December 1994."

MR STEVEN POON: Mr President, I move the motion standing in my name on the Order Paper.

The Subcommittee to study the Commodities Trading Ordinance (Amendment of Schedule 1) Order 1994 has identified some issues which will require further consideration. To allow time for the Subcommittee to consider these points in depth, it is necessary to extend the time allowed for making amendment to the subsidiary legislation until 14 December 1994.

Mr President, I beg to move.

Question on the motion proposed, put and agreed to.

PRESIDENT: I have accepted the recommendations of the House Committee as to time limits on speeches for the motion debates and Members were informed by circular on 5 December. The mover of the motions will have 15 minutes for their speeches including their replies and another five minutes to reply to proposed amendments. Other Members, including movers of amendments, will have seven minutes for their speeches. Under Standing Order 27A, I am required to direct any Member speaking in excess of the specified time to discontinue his speech.

WELFARE SERVICES FOR THE ELDERLY

MR ERIC LI moved the following motion:

"That this Council urges the Government to take into account the views of this Council and the public and implement as soon as possible the recommendations on the improvement of services proposed in the Report of the Working Group on Care for the Elderly and, without delaying the implementation of the improvement measures, to:

1. maintain the existing basic criterion of allowing persons aged 60 and above to have access to the services;
2. take into account the actual needs and usage of services by the different age sub-groups amongst persons aged 60 and above when planning the various types of services in order to cater for the changes in the composition of the elderly population;
3. expedite the development of the services of health centres for the elderly and to bring in the participation from non-governmental organizations and the private sector so that the health care and

preventive services for the elderly would be speedily implemented and more old people will benefit as a result; and

4. set up as soon as practicable a central committee on services for the elderly comprising members from various sectors and directorate staff of the departments concerned to oversee the co-ordination and the implementation of services for the elderly."

MR ERIC LI (in Cantonese): Mr President, I rise to move that the motion standing in my name on the Order Paper be approved.

The wording of this motion is a bit longer than usual. This is so because I noticed that certain wording in the "Report of the Working Group on Care for the Elderly" have aroused concern and debates in this Council as well as in the community perhaps due to the ambiguity in the underlying concept of the relevant policy. Therefore, it is my hope that by means of tabling a motion which is more specific in contents and by putting it in pertinent wording from a practical point of view, the expectation of all sectors in the community on the Report can be accurately reflected afresh so that this Council may keep a clear historical record.

In fact, the Government, the social welfare sector and the community are very much in favour of the idea of improving the quality of the livelihood of the elderly. Therefore, as soon as the rather ambiguous elements contained in the Report are clarified and the wording which is likely to arouse controversy is removed, we should recognize the value of the Report. If the motion can also secure the support of the Government, it will help the Government clarify its stance, thereby eliminating any unnecessary disputes which currently exist. Under such circumstances, the community will not have to drag on any longer. Meanwhile the Government's early implementation of the recommendations for improving elderly services is very much welcomed.

The Governor stated explicitly in this year's policy address that "at the top of our social priorities come the elderly". The purpose in implementing various large-scale proposals to safeguard the health and welfare of the elderly and hard selling the Old Age Pension Scheme which has been heatedly debated in this Council is nothing else than to demonstrate the Government's commitment towards the welfare of the elderly. However, I have stressed time and again that giving out "dazzling money" is always the most charismatic thing to do in politics, yet, if the Hong Kong Government is genuinely committed to addressing the need to provide elderly services, the problem can definitely not be "fixed up" simply by distributing money. We must start from the basic needs of the elderly. Other than offering a full range of services to cater for their basic necessities, the elderly should also be provided with a "tailor-made" medical and health care scheme together with cultural and recreational facilities, neither of which is dispensable.

The philosophy of elderly services in the *White Paper on Social Welfare into the 1990s and Beyond* is on the one hand to encourage caring for the elderly by family members and strengthen support for such families while on the other hand, to develop a community-based comprehensive support service, thereby to achieve the target of "Aging in place - care in the community". These principles of the overall policy on elderly services are examined and reaffirmed in the recently released *Report of the Working Group on Care for the Elderly*. In other words, the 71 recommendations for the improvement of elderly services listed in the Report are not in the least intended to change the established philosophy of welfare services of Hong Kong or to turn Hong Kong into a welfare state by "giving out money generously". Instead, the Report only tries to enable welfare services to develop steadily in a servicing direction we have consistently taken.

While the Governor has accepted 11 recommendations made in the Report, I am fully convinced that this is far from adequate. The elderly problem in Hong Kong has not been too serious in the past. It has only become more obvious in recent years. Despite the setting up of a working group by the Government as early as 1972 to study how to solve problems associated with the elderly, the first "Green Paper on Elderly Services" was released only in 1977 and the proposals were only implemented in the 1980s. The number of elderly people aged 60 or above has drastically increased from 290 000 in 1971, which accounted for 7.4% of the total population then, to nearly 800 000 nowadays, representing more than 13% of the total population. As a result of the late commencement of various kinds of elderly services, the services have fallen far behind the aging trend of the population. If the Government does not act promptly to catch up, the inadequacy of services will only be "intensified rather than ameliorated".

Mr President, I would like to point out that to welcome the Report's recommendations on improvements does not mean "accepting all elements contained therein without making changes". The four areas specifically outlined in the motion denote the vitally important amendments which should be made to the Report.

First of all, the basic criterion which stipulates that persons aged 60 or above are eligible for elderly services should be maintained and "should not be subject to any negotiation". Any attempt to raise or tighten up this long-criterion with a view to reducing the Government's adopted commitment to the provision of services will be deemed by members of the public as "cutting the feet to fit the shoes", that is, a move by the Government to shirk its responsibilities.

It is all the more puzzling to find that paragraph 225 of the Report specifically stated that persons aged between 60 and 64 should have a "proven need". My opinion is that any recipient of social welfare services should fit in with the requirement of having a "proven need". But the criteria for determining whether there is a "proven need" must be open, unbiased and

convenient to enforce. For instance, financial status, health conditions and the extent of family support available, etc. Age is merely one of the many objective criteria. Different criteria can be applied to different modes of service so as to decide which service recipient has a more imperative "proven need". In fact, other than the basic age requirement of 60 years, many kinds of elderly services at present also have other explicitly stated requirements in respect of the provision of services. The admission criteria of the residential centres for the elderly is a case in point. For those services the provision of which is not based on any particular requirement at present, respective criteria can be devised by taking into consideration the practical situation so as to reflect fully the principle of "proven need". It is, however, "superfluous" to specifically require persons aged between 60 and 64 to have a "proven need", thus imposing an "unspecified hidden double standard" on them.

However, insofar as planning is concerned, I agree that a detailed breakdown of age will generate differences in the need for and the use of different services. Therefore, my view is that the Government can take into account the practical situation and make flexible "interim" arrangements accordingly. But in the context of long-term policy, the Government should still give full regard to the actual need for services of persons aged between 60 to 64. This Council will not make any concession in this respect. I understand that the Honourable HUI Yin-fat will relate in details the views of the social welfare sector and so I will not speak on this aspect any more. But I would like to take this opportunity to thank Mr HUI and the Hong Kong Council of Social Service for providing the detailed information related to this motion debate on my behalf.

Paragraph 3 of the motion intends to reflect on the importance and obvious shortage of the services of health centres. Under the Department of Health, there is only one health centre in Nam Shan Estate, Shamshuipo. The completion of the second one in Kwun Tong is envisaged in the year 1995. The third of its kind is still in the planning stage. It is absolutely impossible to have only two health centres to serve nearly 800 000 elderly living all over the territory. Health centre is very important because of its health care and preventive functions. It can help to allay the illnesses and sufferings of the elderly and improve their ability to care for themselves and participate in the community. It will bring economic benefits in the long run and it is therefore worthwhile to advocate such centres vigorously. I am aware that some non-governmental organizations wish to participate by running the centres on a self-financed basis with the Government providing the initial capital investments and annual subvention in a fixed amount. If their participation is proved to be more cost-effective, the Government should seriously consider transferring the operation of health centres to non-governmental organizations. The funds so saved shall be used to expedite the development of additional health centres for the elderly. Private clinics can also play an active role by participating in the provision of these services. The Government should foster publicity and promotional work. For example, the Government can encourage private sector to provide the elderly with health care services at a lower charge through the

network of Senior Citizen Cards. I believe that Dr LEONG Chi-hung and the other doctors in this Council may put forth more good advice later on for the reference of this Council.

For years, the social welfare sector has repeatedly requested the setting up of a central committee on services for the elderly as mentioned in paragraph 4. The Government is also of the view that it is necessary to set up a central division for elderly services internally under the Health and Welfare Branch to co-ordinate and oversee the relevant services provided by different departments, such as the Housing, Health and Welfare, Transport, Education and Labour Departments, thus putting the various kinds of services together to form a comprehensive package of services. I think the two ideas are not in conflict in any way.

The Government should be responsible for co-ordination. Elderly services, however, involve many non-governmental organizations and service users. The setting up of a consultative framework to give advice to the internal working group will only improve the co-ordination and long-term planning of elderly services which will enable the needs of users to be further satisfied. The work of the committee will mostly be centred on the co-ordination between departments and organizations. It should be comprised of members who actually have the authority to enforce policies. For this reason, its members should be pitched at a rank not lower than the directorate grade or else a meeting attended by too many people will easily turn out to be some empty talks, which means "proposals are only being put forward but not being enforced". If the decision reached by the committee will have any implications on policies, it should be passed onto the hands of a consultative framework, such as the Social Welfare Advisory Committee of which I am the Chairman for further discussion.

As the Report of the Working Group covers a wide range of topics, I can only "dwell on the main points and avoid the trivial ones". I am glad that the Honourable LAM Kui-chun is going to move a motion on the comprehensive social security assistance payment on 14 December so that the debate today can focus on the improvement of important services. Welfare services for the elderly has been debated in this Council for many times. The Report of the Working Group can be taken as an interim report for the efforts of this Council and in all sectors in the community in striving for better services for the elderly in all these years. I therefore look forward to members speaking on this issue with great enthusiasm but not complicating the matter. Let us join together to urge the Government to implement as soon as possible the recommendations on improvements proposed in the Report so as not to cause any more delay to the provision of welfare services which the elderly should have long been enjoying.

Mr President, with these remarks, I move the motion.

Question on the motion proposed.

MR HUI YIN-FAT (in Cantonese): Mr President, the Working Group on Care for the Elderly (Working Group) headed by the former Secretary for Health and Welfare has completed its report, and the Governor has accepted it. The implementation of some of the recommendations listed therein have even been started. Despite all these, the report fails to remove the doubts of the public about future services for the elderly, in particular, those about the financial commitments of the Administration. As a member of the Working Group which has been disbanded, I fully understand the whole process whereby the report was compiled, and what was covered in the discussions. Although I agree that solutions put forward in the report are heading for the right direction, and improvement proposals contained in it are acceptable, I still feel uneasy and a bit worried about two of the recommendations involving the Administration's commitment towards financial requirements. One is the proposal to make those aged 65 or above the target group for elderly services; the other one is the establishment of an Elderly Services Division under the Health and Welfare Branch to co-ordinate and monitor elderly services in Hong Kong.

The Administration has all along set the retirement age of civil servants at 60, after which they may receive pensions. However, the Administration has not laid down written provisions for the retirement age of employees in the private sector, where 65 is usually the age limit. The only reason for the Administration's unwillingness to fix 60 as a universal retirement age is that it does not want to commit itself too much to the provision of welfare for the elderly. The earlier an employee retires from work, the more economically vulnerable he will become after retirement, hence resulting in greater dependence on the Administration for economic assistance and other welfare services. This is so because there are no compulsory retirement protection schemes in Hong Kong. Furthermore, we are having an aging population. The situation will reach its peak after 20 years or so. Adding to this is the fact that the average life expectancy of our citizens is becoming longer and longer. Therefore, making those aged 65 or above the target group for elderly services has strategic significance.

Although the Administration reiterated that those aged between 60 and 64 may continue to have access to services for the elderly where "there is a proven need", it has been reluctant to give a clear definition on what "proven need" refers to. I think this is a bar with which the Administration reserves for itself to flexibly handle expenditure on welfare for the elderly. If the Administration expects a shortage of funds or surging demand, it may narrow the meaning of "proven need" so as to exclude the elderly within this age stratum or to strike them off the service priority list. However, if the Administration finds itself to be financially sound, it may relax the requirements to allow more elderly people to benefit, thereby making a show of its "graciousness" towards the elderly.

If the elderly have worries, they are not only restricted to welfare services. Currently, a lot of institutions are providing preferential treatments in varying degrees to the elderly in terms of housing, medical care, transport and

even consumer services items such as entertainment and shopping. Some of these institutions have set 60 as the minimum entitlement age for preferential treatments. If the Administration takes the lead in raising to 65 the age limit of its target group for the relevant services, other institutions may follow suit. This could be a great blow to those elderly within the age stratum in question.

Secondly, to enable the elderly to enjoy services with a comprehensive coverage which should include housing, community support, residential and medical services, primary health care, transport and re-employment provided by various departments of the Administration or the public sector, the Hong Kong Council of Social Service, to which I belong, has in the past been proposing the establishment of a central committee for elderly services. The committee will be responsible for the organization, co-ordination and monitoring of services and policies relating to the elderly. Unfortunately, what the Administration has proposed to do so far is just the establishment of an Elderly Services Division under the Health and Welfare Branch and the Division is to be headed by an Administration Officer at Staff Grade. The Administration Officer will be charged with the sole responsibility of dealing with policy matters concerning elderly services. Let us imagine with such a low ranking structure, how can it function as an agent to organize and co-ordinate the policies of all departments, let alone to perform self-monitoring. In my opinion, the Administration's unwillingness to be monitored by an outside agency at higher levels indicates its lack of confidence in making long-term commitments in respect of services for the elderly.

Mr President, in view of today's debate, the Elderly Division of the Hong Kong Council of Social Service has provided each colleagues and each relevant department with a large amount of reference materials and information about its stance on the matter. I hope Mr Eric LEE would not think that I am trying to meddle in his affairs. It is our responsibility and our mission to maintain the services for and to protect the interests of the elderly. I do not want to repeat myself too much. All I want to emphasize is that Hong Kong people are very concerned about the attitude of the Administration in formulating its policies in the second half of the transitional period. Policy Branch officials have a duty to clear by taking concrete action any doubts which the Hong Kong people may have, rather than create additional uncertainties. Therefore, I hope the Administration would give due consideration to the views of this Council.

With these remarks, I support the motion.

MRS PEGGY LAM (in Cantonese): Mr President, we are far too familiar with the discussions on the problem of welfare services for the elderly. As this is an "old" problem, we should make even greater efforts to solve the problem because the targets of the service are getting older and older each day and they cannot afford to have any more delays.

I am glad that the Working Group commissioned by the Government has made an overall review on the services for the elderly. The policies for elderly services recommended by the Working Party Report on Care for the Elderly can be considered as having taken care of their various needs. Yet, the services suggested in the report still tend to be scrappy as if it has just taken a part for the whole.

Back in 1991, the Legislative Council had held a motion debate to urge the Government to formulate a complete and comprehensive policy for elderly service. At that time, Members of the Council held comprehensive discussions on services including housing, medical care, health care, nursing home and hospice care and the motion was carried. Why do we have to harp on the same old tunes again this time and why is there still room for discussion? This is only because we still have not composed a complete piece of music on services for the elderly.

In 1991, I called upon big institutions to fulfil their responsibilities as enterprises to the citizens to promote the concept of respecting the old, and it is gratifying to see that now, several public transport companies offer discount fares for the senior citizens, which reflects that the elderly are being respected in this respect. However, the pace of the Government's implementation of services for the elderly is as slow as a snail going up a tree which totally lags behind the speed in which the population is aging. As a result, the problem of services for the elderly is getting more and more serious.

One of the reasons for the ever increasing number of old people in Hong Kong is the lengthening of the average life expectancy. At present, the average life expectancy of males is 75.1 years while that of females is as long as 80.6 years. The report recommends that the minimum age for basic services should be raised from 60 at present to 65. This recommendation is not only contrary to the principle of "providing for the elderly" promoted by the Government all along and exclude the 240 000 old people aged between 60 and 64 from the scope of services, but also divides the senior citizens of 60 years of age and above who represent 13% of the total population of Hong Kong into grades for different services.

The care for the elderly is neither alms nor dole. Instead, it is their entitled rights because they have made contributions to the society. It is more a civil right than social welfare. If the Government accepts the recommendation of raising the age for services to 65, one cannot help but doubt its sincerity in implementing elderly services.

Many people say that even the Government has regarded caring for the elderly as a burden and a heavy load, so let alone the ordinary citizens. Under the impact of the change in social structure and the disintegration of the family, the concept of respecting the old is increasingly weakened. There is a need for the Government to revive the social custom of respecting the old and to

formulate a precautionary, developmental and educational policy for welfare services for the elderly.

In order to help the elderly remain actively involved in society and lead a rich and meaningful life after retirement, I suggest setting up a "Senior Counselling Society" in the community to get together senior citizens from all walks of life. On the one hand, they can express their views on regional affairs and public welfare matters; on the other hand, other citizens who are in need can also seek help from the Counselling Society. As a result, these old people can obtain satisfaction from their involvement in social affairs.

Another method that serves similar purpose is an elderly volunteer worker project. The Report suggests the creation of a post in eight service centres for the elderly as an experiment, to be responsible for recruiting and training elderly volunteer workers. I find this a very good idea. It should be carried out as soon as possible and be extended to other welfare organizations. Having senior citizens work as volunteer workers can enrich the backup resources of the community, the work of household work assistants, in particular, can help not only the physically unwell old people and those who have difficulties in getting around but also allow old people who are capable of taking care of themselves to foster the spirit of "caring for one another in the community".

In fact, many elderly people still work after retirement. According to the statistics in 1991, old people aged between 60 and 64 who are still working represent 37% of the senile population while those aged over 65 represent 13.8%. They take up non-technical work in general. To utilize the resources of senior citizens more effectively, I suggest setting up a placement sub-division for the elderly under the Labour Department to help them look for suitable jobs in public and private organizations, such that some retired people can have support expectation thereby minimizing on the cases of old people committing suicide out of loneliness.

To ensure that the elderly can receive comprehensive care, I agree to the suggestion of Mr Eric LI in urging the Government to establish a central committee on elderly services which will consist of people from all walks of life and the directors of relevant departments, to co-ordinate and monitor the implementation of the services for the elderly.

I do not think that this committee should be established for consultative purposes only, but that it should have certain administrative authority. Otherwise, it will not only repeat the fate of the dissolved Central Co-ordinating Committee on Services for the Elderly set up in 1981, but will also delay the implementation of the recommendations in the Report.

The Government can no longer carve up elderly services such as, treating retirement protection and housing for the elderly as separate matters. The Government should set up a continuous system which deals with the problems

concerning housing for the elderly, community support service, hostel service, primary health care, hospital service, transport, employment and education in a comprehensive manner.

Mr President, with these remarks, I support Mr Eric LI's motion.

MR JIMMY MCGREGOR: Mr President, it is not difficult to agree with the underlying sentiment and the guiding principle of this motion, but the elderly in our community do not enjoy the extent, depth and quality of services that they deserve. Any community which provides half a million of its elderly citizens with a token Old Age Allowance of a few hundred dollars a month and which is locked in deep and fundamental dispute about the introduction of an Old Age Pension whose basic initial payment would not be sufficient to pay the rent for a tiny room in an old folk's home, has little to be proud of.

The history of elderly care in Hong Kong is one of too little, too late and who cares? These are people who have given their lives to the Hong Kong system. They have slaved in factories and every kind of commercial enterprise, and contributed their skills, their sweat, their effort and quite often their health to the Hong Kong economic machine. Some would call it the Hong Kong economic treadmill.

I have been witness to the remarkable economic success and growth of Hong Kong during the last 40 years. I have been proud to have taken part in it, just as many of us here today have taken part in it. I have been conscious during all of this time of the driving energy of the profit motive, and the inexhaustible opportunities open to the entrepreneur. It has been clear to me that business and businessmen have had an enormous influence on the Government and on government policy. The governing of Hong Kong has been essentially and, until quite recently, a joint venture between the business section and the civil administration. This liaison has had a deep and lasting effect on economic policies, providing Hong Kong with one of the most efficient economies in the world. During the 1950s and 1960s, the joint venture worked extremely well and Hong Kong's future viability and prosperity, in a macro-economic sense, were given the strongest possible base and framework.

It is not in the nature of business and businessmen, however, to be deeply concerned with social development, except in the negative sense. If expenditure on social security and social welfare were to rise to pose some form of implied or imagined threat to economic growth, then business will oppose. If, for example, proposed social measures were to suggest an increase in some form of taxation on business, it is likely that this too would be opposed.

There is a great deal of evidence in Hansard, and indeed in many other territories around the world, to confirm the classic differences between those who are economically oriented and those who seek social justice. I do not suggest for a moment that businessmen are not keenly aware of the need for a

balanced society, where every sector of the community shares in the economic input and is rewarded by a fair share of the income and the wealth created thereby. Every businessman knows and accepts that such a balance must somehow be struck. However, in a capitalist territory such as Hong Kong, the classic struggle between economic achievers and social developers needs a very determined and dedicated government which accepts responsibility for maintaining, and where necessary, establishing a fair and equitable balance between the two.

In our sometimes mad rush towards new wealth and material aggrandizement, we are often so bedazzled by the great and the glorious, by riches and the promise of more, that we fail to see that not all of those who have made us the business envy of the world, have been able to come into the sunlight with us. Many have been left behind in the shadows, languishing in penury and ill health, sometimes, and too often, without hope of improvement.

Those of us who have all we need are fond of saying that Hong Kong is a caring society, that our elderly are proud and independent and that the Chinese culture militates against acceptance of state support. The family will look after the elderly. Whatever cultural restraints there may be, Hong Kong's elderly people have shown clearly enough that they need state financial support and that, if it is available, they will accept it. Half a million people already do. Another 100 000 people owe their continued existence to the benefits in one way or another of the Comprehensive Social Security Assistance Scheme. These include over 66 500 active cases of elderly people over 65 years of age. Quite obviously, the families of all these recipients cannot, simply cannot support them financially to the degree required to provide basic needs. Business organizations in another context have proposed that needy, elderly people should be given immediately an increase of their present small allowances to \$2,300 a month. We are to discuss a related issue next week.

Mr Eric LI is, in effect, supplementing the business call by seeking substantial improvements in the health care institutions which support the elderly. The Government has moved more rapidly in this direction in recent years and greater expenditure on further expansion of services for the elderly will undoubtedly follow. The proposal for a central committee to co-ordinate and implement these services makes good sense but it must have the assurance of a link with executive action, otherwise it may become yet another talking shop.

Mr President, I think the first priority for the Government must be the Old Age Pension, but I wholeheartedly agree that much can also be done in the meantime to improve services for the elderly. I therefore support the motion.

MR MAN SAI-CHEONG (in Cantonese): Mr President, the policy for the elderly in Hong Kong lacks far-sightedness. At present, there are around 240 000 elderly people aged from 60 to 64, accounting for one third of the elderly population. The Report of the working party has obviously neglected

this group of elderly people and many of them who require immediate assistance still cannot receive proper care. The Administration should not deprive them of their rights by adopting 65-year-old as the basis for planning such services. It should be more favourable to maintain 60 years old or above as the basic requirement for receiving elderly services, and the extent of services to be formulated should be according to the needs of different age groups of elderly people aged over 60 and their utilization of such services. Elderly people aged between 60 and 64 should not be excluded from the services "in one clean slice", otherwise, people within this age group would suffer even more.

In terms of financial situation, elderly people aged over 60 is the poorest age group. The Report has avoided the financial problems which many elderly people are experiencing and nothing is mentioned about increasing Comprehensive Social Security Assistance for the elderly. Many elderly people are still living beneath the poverty line, leading a humiliating life. Hong Kong has been making economic development for many years, can it just provide more resources for reciprocating the elderly who have contributed their entire life to its economic development?

In respect of health care for the elderly, this Council has debated many times on issues relating to policy for the elderly these years, and has already suggested that preventive medical and health care for the elderly is the most important for solving the problem of medical care for the elderly such that the elderly can "prevent diseases before they attack" and that the heavy burden on medical facilities and manpower arising from serious illnesses can be relieved. However, the Administration is paying no heed to the present situation. The small cost required for implementing screening service for the elderly can bring great benefits to the elderly. Even some less advanced countries have already implemented or are extensively planning to launch screening and preventive health care programmes. The progress of Hong Kong is far too slow. Every time when my office organizes simple screening services, it will attract hundreds of elderly people to take part, which reflects that the elderly people are in urgent need of such services. However, the Administration has only established a few health centres for the elderly to provide such services and progress is very slow. I hope that the Administration can fully implement community-based health care services for the elderly, and to provide the most basic care for their health.

Finally, I also hope that the Administration would look seriously at the elderly's needs for community and social life and entertainment, so that the elderly can lead a very rich and healthy spiritual life in the final stage of their lives. Now that youth centres can receive 100% subsidies from the Administration, the importance of social centres for the elderly should be in no way less than that of youth centres, thus, the Administration cannot evade its responsibility in giving comprehensive subsidy to social centres for the elderly.

With these remarks, I support the motion.

MR FREDERICK FUNG (in Cantonese): Mr President, the Administration's future welfare policies for the elderly are set forth in detail in the Report of the Working Group on Care for the Elderly. I strongly support the Government's positive attitude towards studying the policies for the welfare of the aged. Nevertheless, one will query the recommendation that the basic criterion of eligibility for services for the aged should be set at 65 years of age. Most citizens in Hong Kong have retired and are enjoying their twilight years before 65. If the age for enjoying welfare services for the aged is set at 65, many retired people would have to make their own plans for their livelihood. Although the Government has assured that "needy" old people at the age of 60 to 64 could also be entitled to welfare services, there is not any standard criterion for determining who is "in need". Therefore, there is no protection at all for needy elderly people aged between 60 and 64. Once the Government puts such recommendation into practice, many old people would "automatically abstain" from using certain welfare services which they should have been entitled to, as they would rather "automatically abstain" from applying for the welfare services than to be troubled with deciding on whether they are "in need" or not. The Government must, therefore, preserve the rights which these people should have rather than determining their eligibility for welfare services for the aged according to circumstances.

By the end of 1992, there were 207 non-governmental welfare agencies under the Hong Kong Council of Social Service. The Government and these non-governmental welfare agencies are in "co-operative partnership", and the Government offers subsidies to these non-governmental organizations for promoting welfare activities. However, insufficient resources and divergent views on the allocation of resources often lead to tense relationship between the two. To maintain the existing relationship of co-operative partnership, I think the Government should increase the subsidies granted to these non-governmental organizations so that the latter would not find it impossible to promote welfare activities due to insufficient resources. According to the Report on the Local Conference on the Roles of Non-governmental Organizations, the ratio of recurrent expenditure on social services incurred by non-governmental organizations to that incurred by the Government is 2.6 to 1 (figures of 1989-90). This reflects that insufficient subsidies are granted to non-governmental organizations by the Government. Hence, the Government should increase the subsidies granted to non-governmental organizations and try to understand their needs by re-adopting a harmonious and co-operating attitude so that these organizations can further promote their welfare services for the elderly.

In this year's policy address, the Government has indicated that it would establish four additional elderly service centres and set up a \$200 million Elderly Service Development Fund using the reserve of the Lotteries Fund in the year 1995-96 to help non-governmental organizations carry out self-financed and non-profit-making welfare projects for the elderly. I feel very pleased and I support the Government's positive response to welfare services for the aged. But I hope it would continue to give positive response to appeals for increasing the grants to non-governmental organizations. It is also mentioned in

the policy address that the Government would co-operate effectively with non-governmental and private organizations in serving the Hong Kong people. I hope the Government would strictly abide by its promise and continue to maintain sincere co-operation with other welfare organizations.

The Working Group on Care for the Elderly has recommended setting up an Elderly Services Division under the Health and Welfare Branch, which is responsible for comprehensively coordinating and monitoring the policies for elderly services. It has also recommended the setting up of a central committee specializing in elderly services, which will bring into line and monitor the implementation of elderly services. I think, in order for the Elderly Services Division to promote elderly welfare services more effectively, the Division should not be placed under the Health and Welfare Branch, it should become an independent division directly under the Government Secretariat or the Governor, so that it has sufficient independent powers to implement policies concerning elderly welfare in respect of housing, medical care, transport and recreational activities. Otherwise, I am afraid it would become a reduplicative establishment, or one with inadequate power and resources such that it will be quite unable to accomplish its other goals.

With these remarks, I support the motion.

DR LEONG CHE-HUNG: Mr President, I rise to speak on and support the motion moved by my honourable colleague, Mr Eric LI. In supporting this motion, I like to address especially the aspect of health care for the elderly.

Mr President, the Working Group on Care for the Elderly obviously spent quite sometime to deliberate the health care needs of the elderly. A whole chapter has been devoted to this entitled *Towards Better Health*. Needless to say their efforts are not wasted. But regrettably, Mr President, it has not gone far enough. The recommendations have not gone into the root of the matter and does little to really alleviate all the problems and to offer solutions needed to ensure health for all in their twilight years; and to ensure adequate health care to help them add life to years.

Mr President, with the changing of demography to an aging population, and with the blatant fact of rising medical cost, the health care of the elderly is an important social and socio-economic issue. Yet, with regret, there is no clear cut "old age health policy" to guide us in the right direction. It would have been obvious to all that the best policy would be to maintain our senior citizens as healthy as possible, failing which to provide them with adequate treatment and, if necessary, a safe institution for them. Yet, all we see is the Government making suggestions to keep on building different forms of institutions, chasing as it were but always unable to catch up with the shortfall.

It is a well-known fact that many diseases affecting the old age notably cardiovascular diseases, coronary heart diseases, chronic lung diseases, and common killer conditions are preventable if causative factors are minimized when people are young. Yet, repeatedly the Government refused and failed to set up health targets.

The Primary Health Care Working Party recommended in mid-1991 that health care promotion and frequent health check be offered to our aging population. The Government will say that there are plans to offer these through elderly health centres and two are actually in service. Yet, Mr President, I stand to be convinced that the serving population of over 100 000 senior citizens per centre is a reasonable number to work with. And even so, how long will it take for the other promised centre to come into existence?

Social service centres, Mr President, run by non-governmental organizations abound. They are already looking after the aged. There is no reason that incentives and training could not be extended to these organizations to take up health screening and health promotion to take on some of the load.

Mr President, family physicians in private practice form another source which can provide health education and primary care. Furthermore, many are family doctors. Often times, they could even be more effective. It may sometimes be said that private practitioners may not be willing to take up the job. But, with incentives like the provision of specialist staff at the bid and call of the General Practitioners (GP), it can be very attractive package for them, the GP, to start elderly health centre in their own clinics.

It is obvious that all these need a will and a policy. It also borders on a policy to integrate public and private practices in the health care services. Well organized, we can prevent abuses. Well organized, we can incorporate the private health care sector for the whole spectrum of health care. And well organized, we are to offer a choice to the old grannies and nannies and their families.

Mr President, it may sound horrific that there are as yet no complete data of conditions in the elderly that may require treatment in spite of all the efforts to produce prevention. There are, for example, no data of the number of cataracts amongst people over 60. There are no figures on senile dementia among our twilight population who are housed in institutions. Without these and similar data, one wonders how proper plans can be made; and how resources allocation can be effected.

Finally, one wonders the sincerity of the Government in the provision of a total health care.

Mr President, we have known for a long long time that old people who require institutional care are being shuffled from infirmaries to care and attention homes and *vice versa* because the two are run by different

departments. Whilst it may be a blessing to hear that nursing homes will be built to take over the load, yet this new institution will be under the care of yet another department. Will this extend the shuffle of those who need institutional care? Will the so-called "revolving door syndrome" be made worse now that there are three departments to move between? The report on the Working Group on Care for the Elderly has entrusted the co-ordination of the three types of institutional homes to a new Elderly Services Division under the Health and Welfare Branch. Yet, how much muscle will this division have? I stand to be convinced of its efficacy.

Mr President, a lot have been said about outreach teams in the report. These are teams for geriatric units in the hospitals visiting nearby old age institutions. It is a good practice as an institution will then be completely covered medically and ailments of the aged people will be detected and treated early. It would also minimize hospital admission. Yet, the current situation is that this worthwhile service is done with either nil or an insignificant increase in hospital staff. The existing staff are therefore overtaxed and the dedication and devotion of the professions are taken advantage of. This must be corrected without delay.

Mr President, to give the best for the elderly requires more than just a pension allowance. It requires a well thought out policy direction to supply them with their daily needs and the choices they have made. If we cannot properly provide life for years for those who have served Hong Kong in the past, then, Mr President, we have failed to call ourselves a caring and sharing society.

MR HUANG CHEN-YA (in Cantonese): Mr President, I support today's motion, and I would also like to speak on the issue of medical care.

Mr President, prevention is better than cure. As one grows older, the chance for old people to suffer from illness increases, especially chronic illness. Not only has the number of old people suffering from such illnesses increased, but the number who have been crippled or incapacitated by these illnesses has also increased. The most serious cases are those whose mobility has deteriorated, whose hearing and vision have degenerated and whose ability to look after themselves has gone downhill.

Elderly health centres can help the old people by keeping them healthy, to guard against diseases, to detect diseases early and to have the diseases cured before they get any worse. This means that we should treat the diseases at their incipient stage of development so that the degree of crippling or incapacitation will be contained as much as possible. A lot of international experience has shown that preventive physical examinations can minimize hospitalization of the elderly and improve their zest for life and quality of living. It is a good start for the Government to plan for three elderly health centres. Unfortunately, that is just a start. If old people have to travel a long way to these elderly health

centres for a preventive examination, I am sure very little people will be using the service, which will then undermine the functions of these centres.

In Hong Kong, old people who are aged over 65 are as many as 480 000 in number. How many people can the three elderly health centres serve? Therefore, in order for the service to be effective, these centres should serve old people who are aged over 60, and that they should have at least a physical examination once a year. Also, as old people who are aged over 75 have a greater chance of falling ill, they need physical examinations more frequently. Hence, the Government should set up elderly health centres in all 19 districts throughout Hong Kong as far as possible to help the old people to keep themselves healthy.

The Report recommends that health service and out-patient service are to be accommodated on the same premises instead of having a separate health centre, so that the service can be started as soon as possible. It, of course, is an option that can be considered. But in reality, the management and location of health centres and out-patient service should be separate in order to avoid confusion. Otherwise, the preventive function of the health centres will be undermined. Besides, prevention is really not only to find out the cause of illness and prevent it, but also to detect the slightest sign of any illness and to treat it before it gets any worse. It is even more important to improve the lifestyles of the old people through education in order to keep them healthy. Therefore, health centres and out-patient service are entirely different concepts, and health centres should not be treated as a cheaper and more economical out-patient service.

If the Government really wants to shift the focus of health care to prevention, it must establish an independent management and executive organ to be responsible for such health care service. Besides, the illnesses of many old people are the result of bad dietary habits, the decline of family care for them and their susceptibility to accidents caused by their home environment. Therefore, health care service must not be seen as just a medical service. Sufficient social backup is required for it to have any effect. In other words, there need to be social welfare personnel in the health centres apart from medical staff in order that health care work can be co-ordinated.

Furthermore, there are quite a number of old people who are suffering from high blood pressure, diabetes and chronic diseases. Very often, they have to wait for months before they can make their next visits to the out-patient's department. If it should happen that the diseases they are suffering from, such as high blood pressure or diabetes, have gone out of control during their waiting period, it would become dangerous and admission into hospital would be required. Therefore, we do have the practical need to step up the monitoring of the sick. The Government should build up a health network through community organizations, service centres for the elderly or private practitioners so that chronic disease patients can receive medical care, and their health can be monitored conveniently without having to travel a long way. At the same time,

if health education is to be effective, a basic change of old people's lifestyles will have to be made, and they ought to be repeatedly educated. Therefore, health education must be infused and imparted through many channels and not just through the health centres. In other words, we hope that the Government will establish a health network through various channels such as voluntary organizations, private practitioners and community organizations for the protection of the old people's health.

In the debate in November, I asked the Government to work out key objectives for preventive work to be carried out. Similarly, in respect of health care for the elderly, the Government should have its key areas of work. It should focus on the three main problems of the old people, namely, difficulty to move about, hard of hearing and vision as well as having problems in looking after themselves. It must also focus on three main preventive education health screening and physical examination. In this way, we shall be able to minimize the incidence of illness among the old people and to enable old people to actually possess a healthy golden age.

With these remarks, I support the motion.

MR FRED LI (in Cantonese): Mr President, the "Report of the Working Group on Care for the Elderly" has been published for nearly two months. The Legislative Council Panel on Welfare Services of which I am the chairman has also discussed the points mentioned in the Report thoroughly. Members of the Panel have offered various comments, views and queries on the 71 recommendations listed in the Report. It is a pity that representatives from the Health and Welfare Branch and the Social Welfare Department attending our Panel meetings have failed to respond to the inquiries made by the Members neither have any concrete actions been taken.

During today's debate on the motion by the Honourable ERIC LI, I sincerely hope that the Government Secretaries can have some positive and concrete responses to make and will not try to evade their responsibilities.

Nevertheless, the Government can boast of the 71 recommendations listed in the Report on the development of elderly services which they think are sufficient to solve various problems faced by the aged. However, not even a single word has been said about the increase of the amount of comprehensive social security assistance payment for the elderly. It is really very disappointing because the Report has totally ignored the financial difficulties now faced by the elderly people.

The Democratic Party fully support the Honourable ERIC LI's motion, especially the first and the second points which are in fact the stance upheld by the Democratic Party. The Government has changed the criterion for designing the ratio of elderly services by raising the eligibility age for such services from 60 to 65 on the ground that most of the elderly who use the

residential care and social support services are aged 65 or above. It has, undoubtedly, deprived the 240 000 elderly people aged between 60 and 64 of the opportunity and the right to enjoy elderly services.

Although the Government has repeatedly emphasized that those aged between 60 and 64 can still receive elderly services if there is proven need for it. If 65 were the basis for the provision of services, those applicants aged 65 or above will be accorded first priority while those aged between 60 and 64 will become secondary when the Government devises plans for the allocation of elderly services. Since elderly services are inadequate at present, those aged between 60 and 64 will certainly be further neglected.

In fact, the Government should not be so rigid as to take 65 as the criterion for the planning of elderly services. Instead, it should divide those aged 60 and above into different age groups according to their actual needs. Take for example, they can be divided into age groups of 60 to 64, 65 to 69, 70 or above and so on. The Government can then decide on the planning ratios according to the needs of the elderly people of different age groups.

Since the Government announced that 65 was the indicator for the planning of elderly services, it has caused a lot of worries and criticisms among the social workers engaged in the provision of elderly services. The Legislative Council Panel on Welfare Services has also passed the motion to urge the Government to set the criterion for planning at 60. I would like to call upon the Government to listen to the voices of the people of the community at this stage. Since the population is continually aging, the need for elderly services will become more and more diversified. The Government should never take this problem lightly. It should decide on a long-term and practical objective for the planning of elderly services without delay.

The Honourable Eric LI suggested in point three of his motion that the Government should expedite the development of the services of health centres for the elderly and to implement health care and preventive services for the elderly. We are in support of this suggestion in principle. Just now, the Honourable HUANG Chen-ya, another member of the Democratic Party, has already spoken on the issue of medical care for the elderly and has raised a number of points. I will also move a motion debate on the subject in this Council in mid-January next year. I hope we can have a detailed discussion on health care scheme for the elderly then.

As regards point four of the motion, it is suggested that the Government should set up a central committee on elderly services comprising members from various sectors and also directorate staff of the departments concerned to oversee the co-ordination and the implementation of services for the elderly as soon as practicable. This is a progressive proposal which I hope that the Government will accept. I am certain that this committee will prove to be more widely represented than the Elderly Services Division under the Health and Welfare Branch. However, the proposed committee should be given definite

power of decision-making and implementation as well as sufficient resources to co-ordinate and organize the work of various departments.

Mr President, elderly service is a complicated and long-term issue. Although the "Report of the Working Group on Care for the Elderly" has put forth 71 recommendations, many problems have yet remained to be solved. Anyway, this Report can be regarded as a starting point. I hope the Government will not feel complacent with a view that the elderly problem can be solved by simply implementing the recommendations made by the Report. In fact, there is still the problem of suicidal tendency of the elderly which we are still very concerned about. It is regrettable that the Government addresses the problem by just setting up a hotline. I believe many Members will request the Government to have more thoughts on how to solve this problem which is particularly serious in Hong Kong.

Mr President, with these remarks, the Democratic Party supports the Honourable Eric LI's motion.

DR TANG SIU-TONG (in Cantonese): Mr President, concerning the welfare services for the elderly currently implemented by the Government, it lacks an innate long-term strategy and extraneously, it has insufficient financial and manpower resources to meet the actual demand. Under the condition of "congenital deficiency and post-natal maladjustment", all-round care and services are not made available to the elderly who are in need. Obvious examples are that the Government is merely paying "lip service" in respect of housing for the elderly; there are insufficient home helpers and medical care; and the amount of allowances payable can hardly catch up with the needs of everyday living.

In the report published recently by the Working Group on Care for the Elderly commissioned by the Governor, there are 71 recommendations on the improvement of the welfare services for the elderly. The Government hopes that these recommendations can bring about a long-term welfare service policy for the elderly in Hong Kong. The initiative of the Government is to be initiative appreciated. However, the recommendations in the report is running completely counter to the actual needs. The 71 recommendations seem to have taken care of everything meticulously but after taking a closer and more in-depth look, one will find that they are scrappy and piecemeal. Some of them are going round the sun to meet the moon and some are putting the cart before the horse. Actually, they have not touched upon the crux of the issues and do not help much in solving the problems of an aging population, the safeguarding of the livelihood of the elderly, housing and medical services. The biggest mistake in the report is the failure to increase the Comprehensive Social Security Assistance (CSSA) payments for the elderly, and it also disappoints us by raising of the minimum age for elderly services from 60 years at present to 65.

The increase in CSSA payments for the elderly is the best and the most direct way to benefit those in need. But not even a word about this is mentioned in the report, showing the Government's total indifference to the needs of 80 000 old people who are receiving support from the Government. For the old people who have no one to depend on, the CSSA payments are barely enough for them to subsist on. It would be relatively hard for them to buy a piece of winter clothing or daily necessity. The demand for an increase in the CSSA payments by social service bodies, the elderly themselves and this Council are loud and clear but the Government still refuses to listen. The Working Group on Care for the Elderly also cites the reason that "the gist of improvement of the elderly's life should be in services instead of money" to avoid talking about the increase in CSSA payments. Such seemingly true but actually false argument is hardly convincing.

The recommendation of the report in raising the minimum age for elderly services from 60 at present to 65 is undoubtedly depriving the right of the old people aged between 60 and 64 to receive the relevant services. Those who would be affected amount to 250 000 in number. With the gradual aging of the population in Hong Kong comes the essential trend for the demand for services for the elderly to increase. The report recommends the increase in services for those aged above 65 on the one hand and suggests the reduction and deprivation of services for those aged between 60 and 64 on the other. This is conceptually contradictory and is also a sign that the policy for services for the elderly is going backwards; "cutting a piece up here to patch up another piece down there" simply indicates that the Administration does not intend to reform the services for the elderly or to make a breakthrough in welfare for the elderly.

The underlying principle of the Government's current policy for services for the elderly centres on "community care" and "participation of the elderly". Therefore, the Government has all along been encouraging retired old people to give active play to their talents. According to statistics, members of elderly community centres aged between 60 and 64 account for as much as 12%. Once the new recommendations are put into practice, the members under the required age will be at a risk of being "kicked out of the centres". Those elderly people aged under 65 living in non-profit-making hostels for the aged, homes for the elderly, and care and attention homes might also suffer the same fate. The recommendations in the report are indeed contradictory to the spirit of the existing policy.

The report recommends that as long as the people aged between 60 and 64 can produce proof that they are "in need", they can also apply for the relevant services. Despite such a recommendation, it is not easy to decide whether one is "in need". The extent of administration expenses and manpower wasted in examining the applications are merely minor problems, the biggest impact is the delay in providing people in need with the required services urgently as a result of such examination. I am afraid some might have been "summoned by God" before their applications could be approved. It is not difficult to tell whether these recommendations are good or bad.

On the principle of vigorously preparing for the aging of the population in advance and maintaining community care and primary services for the elderly, I oppose to the idea of raising the eligibility age for elderly services to 65. I think that the Government should adopt the "age subgroups approach" in planning such services and maintain 60 as the minimum age for utilizing such services.

The report recommends the setting up of a \$200 million development fund for services for the elderly to sponsor non-profit-making and self-financed elderly welfare projects. Although these projects are non-profit-making, the elderly participants still have to pay. Even though they do not need to pay too much, the poor old people who live on CSSA payments may not be able to enjoy these services. I do not oppose to funding the implementation of non-profit-making elderly welfare projects, but I hope the Government would also take into consideration whether those who live on CSSA payments can afford to take part.

Lastly, I would like to talk about the psychogeriatric service team. Every year, about 150 old people commit suicide in Hong Kong and the suicide rate among the elderly is three times higher than that in the United Kingdom and the United States. One half of the elderly people who commit suicide suffer from mental diseases or schizophrenia. At present, there are five psychogeriatric service teams stationed at Kwai Chung, Shatin, Castle Peak, Queen Mary and Kowloon Hospitals and their services benefit about 4 600 elderly patients. It is estimated that there are about 162 000 old people in need of such services and there is a rather big gap between the number of service teams and the actual demand. Although the report recommends the increase in the number of service teams, it will only be likely for this to be done in 1997. I think the Administration should set the time earlier and increase the number of service teams. In addition, as the service teams fail to provide the conveyance service of old people to hospitals, and the old people who have difficulties in moving about cannot be benefitted, improvement and co-ordination should be made so that old people in need can enjoy these services.

Mr President, with these remarks, I support the motion.

DR LAM KUI-CHUN (in Cantonese): Mr President, as regards the contents of the Report of the Working Group on Care for the Elderly, the Liberal Party agrees mostly with its general direction, that is for the Government to provide old people with personal services which they are unable to obtain themselves, and this is more practical than giving them any other support or mere financial support. Services are the most important support for the elderly.

Generally speaking, the Liberal Party is of the view that the considerations made in the report are correctly oriented and are also quite thorough. As regards the first point demanded by the motion, as resources for social services cannot be unlimited, they have to be utilized well so that limited

resources can be concentrated on those in need. In fact, the Report contain statements in this respect. One important point which the motion today is to see, on the whole, "whether the recipients of services for the elderly should formally qualify at an age of 60 or 65."

I have spoken in this Council before and explained that as people's health is getting better and better in this century, their physiological mechanism can be maintained for a much longer time and their life expectancy has become longer and longer, therefore, the medical sector now considers 65 as the beginning of old age. The United Nations' three-tier age group classification has also set the bottom line for an aged population at 65 years of age. Even for countries where the average life expectancy is shorter than that in Hong Kong (including countries offering abundant welfare services such as Canada and the United States of America), 65 is the lower age limit for old people to receive welfare services. In North America, efforts are now being made to postpone the age for receiving services for the elderly to 67. It is a worldwide trend to extend the period of middle age and postpone the coming of old age.

At the time of the Ming and Qing dynasties, people became grandmothers and grandfathers at the age of 40 to 50. They were already doddering when they were 50 to 60. Certainly, they had to be given special care by younger and stronger people. However, Hong Kong people today only just begin to consider having "second springs" when they are 40 to 50 years old, and they are unwilling to be forced to retire at an age of 50 to 60. The majority of old people over 60 years of age are still vigorous, and many people who have retired still want to look for jobs. The claim that people over 60 years old are no longer useful and have to receive services for the elderly must not be allowed to prevail in our community. From the medical point of view, such passive attitude will only bring about the adverse consequence of speeding up old people's psychological aging and physiological degeneration.

A good policy for the elderly should encourage people aged under 65 or even over 65, who are not really aged enough to continue to actively participate in social activities, and avoid making them think that they have been brush aside by the community. Only by doing so can we let them live a dignified life, with dignity in their own hands instead of being granted by the community.

The Report of the Working Group on Care for the Elderly has already accepted 65 years old and above as the line of delimitation of old age. But today's motion goes against the trend of the world and demands that the age for receiving these services be lowered to 60. This is a result of political causes rather than reasonable demands. The Liberal Party cannot agree to this.

However, not only is this unreasonable, but the motion also raises a second point concerning giving suitable flexibility to the provider of services so that services can be given to those aged between 60 and 65 according to their needs, and that the different demands for setting the relevant age at 60 or 65 can be met, which is to rationalize the matter. Indeed, the Liberal Party is of the

view that it is necessary to make good use of all the limited resources for welfare services and services should not be confined to recipients aged between 60 and 65. In fact, services should be provided to all recipients, from young children to old people who are 100 years old. Adding the second point of the motion to the first rationalizes the demand, and it can be accepted by the Liberal Party. Unfortunately, political overtone has once again tainted affairs concerning welfare and people's livelihood. In fact, given the actual supply we now have, the Government estimates that the supply of various kinds of places for the elderly aged between 60 and 64 will outrun the demand in a few years' time. Therefore, it will only be meaningful if the new ratio of supply of various kinds of places is calculated with 65 years old or above as the basis.

The third point of the motion is the demands made by the guiding principles of the Liberal Party. We give this point our full support. As to the fourth point, the former Secretary for Health and Welfare had all along been of the view that it is not necessary to set up a central committee on services for the elderly to co-ordinate the services for the elderly provided by various departments because she would perform all the necessary co-ordination, though the social work sector has always been holding a different view. As there should not be much dispute on this point, the Liberal Party would agree to it.

I would like to put forward a new demand, from a consumer's point of view, for the elderly, and I call this demand "One Station OK". The existing situation is that, to obtain all the services needed, old people have to go from department to department and sometimes they are even treated like human balls being tossed and thrown here and there. Sometimes, old people find it so troublesome that they simply give up getting the services. Therefore, I request for the setting up of a series of district-based integrated service stations for the elderly where applications for all kinds of services for the elderly including CSSA, public housing, outreaching service or even admission to homes for the elderly can be made. Services from various departments can be obtained from individual departments by the service personnel at such station and then refer to the old people, such that the old people do not need to grope for these services. The Liberal Party calls the services provided by such integrated contact stations "One Station OK" services. It is necessary to install a central telephone inquiry hotline at the service station to meet the needs of individual old people for the necessary departmental referrals. The Liberal Party welcomes views from various sectors on this kind of new service.

Mr President, I now conclude my speech with this concept of "One Station OK" services and I support the motion.

MR ALBERT CHAN (in Cantonese): Mr President, I would like to talk about the elderly problem and the need for elderly services in the old districts. When compared with other districts, the conditions as well as the law and order situation in the old urban districts of Hong Kong's are now very poor. Many old districts such as Yau Ma Tei, Tsim Sha Tsui, Mong Kok and Sham Shui Po

are considered centres of vice, gambling and drug trafficking offences. In such unfavourable conditions, the old districts are very densely populated as well. Very often, there are hundreds of thousands of people living in one square mile of space. In the old districts, the elderly population is relatively high. According to the census conducted in 1991, there were 716 901 people over the age of 60 in Hong Kong and that represented 13% of the total population of Hong Kong. However, in the old districts, for example, in Wan Chai, the elderly population makes up 17% of the district's population; in Yau Tsim district, the elderly population also accounts for 16.9%; in Mong Kok, it is 16%; and in Sham Shui Po, it is as high as 17.3%. It is apparent that the percentage in the old urban districts is generally higher than those of other districts. Nevertheless, owing to the conditions of these districts and the land problem there, there are comparatively fewer elderly services in the old districts than in the new towns. For instance, the population of the elderly over 60 years old amounts to only 9% of the total population in Shatin district, but the services available to these old people are, on average, more than those available to their counterparts in the old districts.

The problems faced by the elderly in the old districts are grave. The community and family support they get is relatively scanty. Many elderly people in the old districts are singletons. In the past, when the Legislative Council panel visited some "encaged" families in the old districts, Members could see that many inhabitants were single elderly people. These elderly people live a monotonous and boring life. They go about their daily activities in the small circle of people who are the occupants of the flat. Due to the lack of support service and the tedium of their lives, the elderly suicide problem is very serious. The Working Party Report has also mentioned this issue. Therefore, among the many existing services provided, I think the Government should pay particular attention to elderly services in the old districts.

In 1991, the Government sponsored certain voluntary service organizations to launch a pilot scheme under which two outreaching elderly service teams were established. For the elderly who needed emergency support, these teams would go to their homes and provide the relevant service to them. I think that the Government should continue to sponsor and expand such kind of service. In particular, such kind of outreaching elderly service teams should be set up in the old districts without delay, so as to provide counselling and other support services to the elderly. Consequently, they can obtain better support in their daily life and appropriate counselling when they have problems, including emotional and psychological problems.

As far as planning is concerned, I hope that the Government will not postpone the provision of elderly services in the old districts indefinitely because of the land problem. For example, the Government should as soon as possible set up comprehensive elderly service centres which are designed to provide various existing services in the old districts. For the elderly living in the old districts, comprehensive elderly services buildings as such can provide all sorts of services to them. It is believed that this will be of definite help to

their lives. I hope that the Government, while developing elderly services, can give special care to the elderly in the old districts because they have relatively more problems, their lives are hard and that they are in greater predicaments. I hope that the Government can be more concerned with this problem.

THE PRESIDENT'S DEPUTY, MRS ELSIE TU, took the Chair.

MR CHEUNG MAN-KWONG (in Cantonese): Madam Deputy, I believe the issue discussed most frequently at Legislative Council sittings this year is that of elderly people. I think there are two reasons: the first reason is that the public is more and more concerned with our aging population and the livelihood of the old people, this is why demands are constantly made to the Administration, thereby making the elderly issue the focus of the public's concern; the second reason, which I believe is the most important reason, is that in spite of the discussions and struggle over a long period of time, there has not been any satisfactory improvements in the welfare services for the elderly. Lonely and helpless old people are still being abandoned to face their own fates, deprived of their dignity.

Madam Deputy, welfare policies of advanced countries not only provide financial and livelihood support for the elderly, but they also emphasize care for the psychological well-being of the elderly. On the contrary, the psychogeriatric welfare services in Hong Kong have still remained at an initial stage after so many years, and its development lags far behind the community's demand. The Report of the Working Group on Care for the Elderly, in its overall planning has not mentioned much about improving psychogeriatric welfare which is clearly a significant shortcoming.

The psychological pressure suffered by old people often arise from a feeling of "loss", for example, the loss of their ability to work, the loss of health, the loss of their companions, the loss of friends and so on. The Report shows that there has been a relatively large number of cases of suicide committed by old people in Hong Kong over these years. Last year, 199 old people killed themselves, on average, one old person committed suicide in less than two days, eight times that of the 25 cases of suicide committed by school children in the same year. This shows that something has gone seriously wrong in respect of the psychological health of the elderly. Although the Government has all along been emphasizing its sincerity in improving the welfare of the elderly, it has, in the face of the serious problem of old people committing suicide, only taken measures such as setting up a Social Welfare Department hotline and advising family members on to how to detect signs of old people committing suicide. These measures have the characteristics of "being economical". It is doubtful as to whether telephone counselling is really suitable for those old people who are used to shutting up themselves or who have problems in seeing or hearing. It seems that all these are beyond consideration by the Government. But the reality is that, according to a recent survey, 70% of

the old people living alone who receive comprehensive social security assistance payments simply do not have telephones installed at home. As regards encouraging family members to be alert to signs of elderly people committing suicide, it is simply an irony for old people living alone who would not any relatives.

Madam Deputy, there are 600 000 old people in Hong Kong aged over 65. 30 to 40% of them are disturbed by mental illnesses of varying degrees of severity. Many of them are on the verge of pondering committing suicide. However, the psychogeriatric welfare services in Hong Kong are still staying put. To date, we have only five psychogeriatric service teams in Hong Kong and not more than 10 psychiatric doctors who have received formal training. Moreover, their target of priority service is mainly restricted to those old people who have been institutionalized. It is often the case that old people living alone who have latent psychiatric problems are not given timely psychiatric assessment and treatment easily. It is saddening that once tragedy occurs, no remedy can be made. Therefore, the necessary measures to be taken to counteract cases of old people committing suicide include extending the outreaching psychiatric services, actively conducting psychiatric assessment of old people, the early detection of problems, and giving old people care and counselling.

As a matter of fact, many old people who are lonely and helpless or are suffering from chronic illnesses simply would not seek counselling by other people. If they also have difficulty moving around, they are virtually isolated from the outside world. For this reason, they may not know what kind of assistance and services are available to them. Unfortunately, the Government has not been promoting the concepts of district service such as the Neighbourhood Level Community Development Project and the work of public housing liaison officers and has not taken the initiative to provide old people, who live in old districts, older urban districts or private housing, or those who are difficult to contact through the existing channels, with community level caring and counselling service to compensate for the existing vacuum in community support. Therefore, the so-called community care as mentioned in the Report of the Working Group on Care for the Elderly should not only focus upon the number of additional voluntary workers for the elderly or the number of social centres for the elderly. Of course, I am not denying the significance of these services, but I am more concerned about how the Government will fully utilize the contact networks of the districts to truly realize the goal of "Concerted Community Care".

Madam Deputy, no matter how complicated the causes of mental disturbance of old people are, most of them have something to do with health and financial problems. In the Report, under the heading "Social Security", Comprehensive Social Security Assistance payment is only mentioned briefly, with all the faults concealed but all the merits publicized, without making any constructive recommendations. This is obviously avoiding the important and dwelling on the trivial and a deliberate evasion of the general demand of the

public. I find it most regrettable that the Government has ignored public opinion, refuted Dr McPHERSON's report which has been generally recognized by the public, and spent another year to conduct a survey on the Comprehensive Social Security Assistance payment again. I find this move similar to the playing of a children's game of aviation chess in which a chess which has almost reached its destination is turned "back to square one" and has to "take off" once again. But, this is not a children's game but a real call for enabling our elderly to live a humanitarian life.

In view of the time being wasted in the past and the distant and unknown future, and having experienced the Government's so-called sincerity in procrastinating, not only the hearts of old people in expecting the community's basic feedback are sinking, but the benevolent intentions of the general public is also being suppressed. Therefore, I call upon the Government to show forth its sincerity, especially to take actions to carry through the recommendations of the Report of the Working Group on Care for the Elderly, and to conscientiously tackle issues deliberately evaded or inadequately dealt with in the Report, so as to ensure that the commitment of "a secured old age" in the policy address will not be a "true lie".

Madam Deputy, with these remarks, I support the motion.

MR HOWARD YOUNG (in Cantonese): Madam Deputy, I rise to comment on only one particular aspect of this motion, that is, whether those aged 60 to 64 should also be included as servicing targets by elderly centres or services.

In terms of government resources, it is understandable that if these services are accessible to too many people, the Government would have to see if there will be enough resources, or if there will be enough elderly centres and social workers. As average lifespan prolongs, people reaching the age of 60 are not really that old. Though they may not be regarded as young, they can still be deemed to be in their prime. This being the case, we have to review our concept to see if it catches up with the times when the role of elderly care centres is being considered.

I do not think that we should equate elderly services, or the establishment of elderly centres to provide these services, with providing care or even alms to those who have lost the ability to take care of themselves or to live on their own. Elderly centres should essentially be a place where different kinds of activities and communications take place. Some years ago I visited an elderly centre. I recall that the way that some old people who used the services of the centre gave me the feeling that they were not just sitting and waiting there for food and performance shows — they actively participated. I was particularly impressed by an old man who, being a superb calligraphist himself, organized his own mini-calligraphy class in the centre and encouraged others to participate. There are old people who are willing to do more than just receiving services. They are willing to provide activities and organize

programmes to others. Therefore, I think we should take elderly centres as a place where old people can promote and enrich their lives, rather than being a place where activities are provided for old people by the Government acting as an alms-giver.

We should acknowledge that as lifespan prolongs, the physical capabilities of old people have also increased. 60 years of age, or even 65, is not really that old. However, Madam Deputy, I think if these old people are to continue to enjoy a peaceful and complacent life in their twilight years, materialistic facilities alone are not sufficient. What is more important is to create conditions under which their physical capabilities, which are so vital, can be maintained. The ability to actively participate is preferred to passive reception from others.

I have heard of a report by an American scholar who, after conducting a research survey, found out a very peculiar phenomenon, which revealed that a rather high percentage of the population died within one year of their retirement. According to this scholar, they did not die of any physical disorder. They died largely because it was a great blow to them psychologically when all of a sudden they have transit from a very active environment to complete idleness. Therefore, I think that in considering the role of elderly centres and the target group of such services, we should consider whether these people aged 60 to 65 are really the centres' service-consumers, or the centres' service-providers. Are they the ones to be served, or are they in fact the ones who would provide services? Through activities, they can continue their contribution to society on the one hand and maintain their physical and mental capabilities on the other. As a matter of fact, this may be a better way to promote longevity than consumption of tonic food or ginseng. So, instead of looking upon elderly as being a burden who will consume existing resources, we can deploy elderly persons between 60 and 65 years old to become providers of services. The role of elderly centres therefore shall be to make use of elderly people as a resource to extend their scope of services.

I support the motion.

MR YEUNG SUM (in Cantonese): Thank you, Madam Deputy. Care for the elderly has received considerable emphasis in the Governor's policy address, and in the wake of the publication of the Report of the Working Group on Care for the Elderly, the Government has indicated that the recommendations in the Report will be implemented.

First of all, I support the Government in its giving more emphasis to care for the elderly. However, whether welfare for the elderly will in fact be substantially improved or is it a "mere token of goodwill" on the part of the Government in exchange for short-term positive public opinion is something that still remains to be observed.

As regards policy implementation, the Government's policy seems to be more superficial than practical. Please allow me to quote the saying that "big is the thunder but little is the rain" to describe the Government's efforts in providing services for the elderly.

As regards the planning of the services for the elderly, many Members of the Democratic Party have already expressed their views, and I do not wish to repeat them here. Madam Deputy, I only want to express my views on the Report of the Working Group. To begin with, I support the establishment of a division for elderly services under the Health and Welfare Branch to improve, co-ordinate and integrate the provision of services for the elderly.

Services for the elderly have all along been provided by various departments and this gives a general impression that there is little communication and co-ordination among these departments, which caused elderly services to appear fragmentary. I believe the establishment of a division for elderly services will strengthen the co-ordination among different departments and improve the provision of services for the elderly. However, the terms of reference and the extent of its co-ordinating ability of this division is still a mystery until now. The much required services for the elderly include housing, health care, community support and financial assistance, but whether this newly created division has is endowed with sufficient power in planning, co-ordination and appropriation in respect of medical care, housing, community support and financial support actually still remains to be seen. If this division does not have the power and resources, or support is not given by other departments, then this division is but a kind of window dressing, or just a flower pot.

Madam Deputy, care at community level has all along been the Government's policy for services for the elderly. The principle of this policy is to allow elderly people to receive immediate care in a familiar community. However, since its implementation, care at community level has only been equated with domestic care and now the policy merely exists largely in name. Incomplete services for the elderly is only one of the causes to take the blame, but the most important is the acute shortage of support services in the community. Domestic care is an unfair treatment directed towards housewives, because according to Chinese tradition, housewives are responsible for taking care of the elderly, which has demanded much of the physical and strength of these housewives and subjected them to unfair opportunities in society.

Madam Deputy, if the care at community level is to be fully implemented, the Government should make full efforts to improve the existing support services in the community. I suggest that the Government should improve without delay the staffing and the quality of service of household work assistants, hostels for the aged, care and attention homes, and homes for the aged and so on. In addition, many social researches have pointed out that day care and temporary care services can alleviate the pressure of domestic care and avoid prematurely arranging elderly people to live in hostels for the aged.

The pilot scheme instituted for out reaching services for the elderly has been concluded. General response supported and affirmed this mode of service. I hope the Government can extend out reaching service as much as possible so that the livelihood of lonely old people can be improved through the reception of this service.

As far as financial support is concerned, improvement on Comprehensive Social Security Assistance should be the first priority. Madam Deputy, the most important of all is the establishment of retirement protection and social insurance systems. The Democratic Party is, in principle, in support of a contributory social insurance scheme. Many researches have pointed out that many old people are as poor as church mice after retirement, which caused the relationship between them and their family to become very tense. This is because their children have to take care of both their own children and their parents. Their children have limited income, if they have to take care of so many elderly people, this will easily result in abuses of old people by their family members, while old people within the family will have to encounter enormous difficulties in their daily life. Therefore, we eagerly hope that a retirement protection system and a social insurance system could be established by the Government so that the basic living of elderly people can be taken care of.

In addition to improving community support services, Madam Deputy, more teams working for elderly services at community level should be set up by the Government, that is, the so-called "community-based working teams". These teams shall comprise various professionals such as doctors, psychiatrists, nurses, social workers and voluntary workers. These teams, through integrating their professional knowledge and with co-ordinated support, can provide service to the elderly. I believe this will be very helpful to the implementation of the policy of care at community level. In advanced industrial countries today, services for the elderly are becoming more and more community-based and professionally diversified. This is what is known as "the multi-discipline approach". I urge the Secretary for Health and Welfare to promote services for the elderly in the light of this approach.

Furthermore, the policy to promote voluntary work by elderly people as mentioned in the Report also deserves our support. However, if this proposal were to be successfully implemented, manpower is needed for the organization and some motivation has to be given to the elderly to encourage them to work as voluntary workers. Some researches on social care have pointed out that if elderly voluntary workers can be paid, their motivation and continuity in providing services can be maintained. I do not intend to deny the spirit of benevolence in offering services, but as some researches have pointed out, payment to elderly voluntary workers does in the long run give them some kind of recognition and encouragement. It is also beneficial to supporting voluntary workers and to the elderly people who receive services for the elderly. Madam Deputy, I urge the Government again to provide 100% subsidy to social centres

for the elderly so that the services of elderly voluntary workers and programmes for the elderly can be better developed.

Madam Deputy, many elderly people who are physically sound can continue to contribute to society, but many of them who are capable of working cannot get a job simply because they are discriminated against for their age. I suggest that the Government should enact legislation to minimize against age discrimination so that elderly people capable of working will not be kept from taking part in society and from giving full play to their capabilities as a result of age discrimination.

Madam Deputy, services for the elderly is the first task for the newly posted Secretary for Health and Welfare. I hope she can listen more to the opinions of this Council in order to improve the quality of living of the elderly.

With these remarks, I support the motion.

SECRETARY FOR HEALTH AND WELFARE: Madam Deputy, the Working Party Report on Care for the Elderly is a detailed document which deserves our careful reading and examination. It is the result of the hard work of its members including two Members of this Council, the Honourable HUI Yin-fat and the Honourable Vincent CHENG, who are all in their own right experts in elderly services. I am indebted to them for their invaluable advice. The Working Group's recommendations carry significant and far-reaching implications on the provision of services for our elderly citizens in the coming years.

The Report contains 71 recommendations which we have accepted. These recommendations are described in detail in Annex M of the Report if Members wish to refer to it. We will implement their recommendations at an annual recurrent cost of \$37 million in 1995-96, rising to \$108 million in 1999-2000. The total one-off non-works capital cost amounts to \$327 million. And I am sure Members as well as the community will be delighted to note that more resources will be devoted to improving our elderly service than to any other welfare services in the coming year. This fully illustrates the importance which the Government attaches to the welfare of our elderly people.

Let me now turn to some of the points raised by Members during this debate.

People aged 60 as the minimum age for access to services

The age for access to welfare services and the use of the age 65 as the basis for planning purposes are, I am afraid, the most misunderstood points in the Working Group's Report. Since its publication in October, there have been repeated calls from Members of this Council, the welfare sector and other concerned parties that the Government is redefining old age at 65 and that

people aged between 60 to 64, as a result, will be denied access to these services. Those who have read the Report should know that the Working Group considered that chronological age is not a reliable criterion to use as a definition of old age as aging involves physical, psychological and social processes. Nevertheless, it recognized that it would be useful to be age-specific for planning purposes. Therefore it recommended that people aged 65 and above should be used as the target population for planning of elderly services.

In arriving at this recommendation, the Working Group took into account the demographic trends of our elderly and the utilization of our services amongst different age groups. The latest population projections for Hong Kong indicate a faster growth in the population aged 65 and above. Furthermore, the utilization figures for various elderly services, particularly residential services, also indicate that people aged 65 and above are the main users. The adoption of age 65 and above as the basis for planning purposes will ensure that adequate facilities are provided in those districts, particularly the older urban districts with a high concentration of elderly people aged 65 and above and that these facilities are fully utilized.

It has been made very clear in the Working Party Report that whilst age 65 should be adopted as the basis for planning of facilities, the minimum age for gaining access to these services should remain at 60. In other words, people aged between 60 to 64 will continue to have access to existing services if there is a need. The "need" requirement has been attacked as imposing new conditions on our elderly people aged 60 to 65 in obtaining services. These attacks are totally unwarranted. Let me explain why.

Even now, an elderly person is required to meet the admission criteria before they could receive welfare services. Age is only one aspect of the admission criteria. For example, apart from meeting the minimum age requirement, in order to gain admission to a care and attention home, an elderly person has to be in poor health but not suffering from any acute illness which require constant medical treatment. For community support services such as day care centres for the elderly, elderly persons have to demonstrate that they are in need of general personal care which could not be provided by their family during daytime before they could use the service. As for social centres for the elderly, they will continue to provide service to meet the social and recreational needs for people aged 60 and above.

As I explained earlier, the Working Group's Report made it very clear that the minimum qualifying age for access to services should remain at 60. In other words, there will be no change to the existing arrangements whereby elderly persons aged between 60 to 64 can gain access to elderly services. Contrary to popular beliefs in some quarters, the recommendations of the Working Group will not have any detrimental effect on the eligibility of people aged 60 to 64 for obtaining welfare services which they require.

Use of age sub-groups for planning purposes

In revising the planning ratios for elderly services, the Working Group was also mindful of the fact that the current basis for determining the planning ratios might not have fully taken into account the actual needs of the elderly given the long waiting lists for admission to residential care homes. It therefore recommended that a separate study be conducted to assess the requirement of community and residential care services for elderly people based on need. This study is going to have far-reaching implications on the provision of elderly welfare services. It is a top priority of the Elderly Services Division of my Branch. Resources have been earmarked for the commissioning of the study in the next financial year. In defining the scope of the study, we intend to cover a wider age span so as to enhance the accuracy of the study findings. The actual needs and usage of services of elderly people including those aged between 60 to 64 will be included. The use of age sub-groups is one possible approach. Pending the results of the study, we shall consider together with the planning authorities how the study findings could best be reflected in our planning guidelines.

Elderly health centres

Several Members spoke about the benefits of elderly health centres. These centres are run by the Department of Health. They aimed to promote the health of elderly persons through education and prevention. They provide physical examinations and health screening. They also run health education programmes not only for old people but also for their carers and volunteers. The first elderly health centre has been opened in Sham Shui Po this year. Another will be set up in Kwun Tong early next year and five additional centres will be set up by 1997. The Working Group has recommended that apart from the first three centres which are developed as self-contained centres, the rest should, as far as possible, be located in general out-patient clinics so as to provide a network of integrated services to elderly people.

We hope that through the promotion of a healthy lifestyle, early detection of diseases and self-care could be achieved. Various Members also spoke about community participation and I welcome this. This is a worthy cause and we intend to develop this. As the service provided by elderly health centres has just been introduced, we should like to allow some time to assess its effectiveness before we consider whether non-government organizations or the private sector should be invited to participate in running health centres for the elderly.

Central committee on services for the elderly

The Working Group on Care for the Elderly deliberated at length the most appropriate organization structure for taking forward its recommendations. It concluded, after the very careful consideration, that for expedient and practical co-ordination, an Elderly Services Division should be set up in the Health and Welfare Branch to undertake this task. The Division has

already started its operation and is supported by staff seconded from the Department of Health and the Social Welfare Department. With professional input from both the health and welfare fields, this multi-disciplinary team is well-equipped to carry out the Working Group's recommendations which straddles the area of welfare, medical and health policies for the elderly, and which all come under my policy portfolio. This special team will assist me in discharging my policy responsibilities for the elderly. This will, I am sure, result in smoother co-ordination and greater efficiency in pursuing our programmes and policies for our elderly citizens.

I think we should let this Division operate for a period of time before we consider whether any further changes are required to strengthen the co-ordination among my departments in implementing welfare and medical programmes for the elderly. Meanwhile, I have taken full note of Members' views on setting up a central committee to oversee the co-ordination of services for the elderly and will bear this in mind when I review the work of the Elderly Services Division.

Members have also suggested many other innovative schemes to help elderly people, particularly those living in older urban districts. I shall certainly take all these into account in our further deliberation of my policy for services for the elderly.

THE PRESIDENT resumed the Chair.

PRESIDENT: Mr Eric LI, you are now entitled to reply and you have four minutes 48 seconds out of your original 15 minutes.

MR ERIC LI (in Cantonese): Mr President, I am grateful to the 14 Members who have spoken unanimously in support of this motion. More importantly, not only do they support this motion, but they also support the implementation of all the recommendations in this Report for improving the services for the elderly. Although it is an "old" problem, quite a few Members have made a lot of innovative remarks. For example, Dr LEONG Che-hung and Dr HUANG Chen-ya have given some suggestions as to how private doctors could participate in health care work; and Mrs Peggy LAM has spoken about the elderly consultative society. These views reflect that if the Council can focus its attention on a certain issue and conduct repeated discussions on it, we will be able to achieve good results every time.

What caught me by surprise was the remarks made by Dr LAM Kui-chun who set age as a criterion and that the criterion was in line with the worldwide trend. Having heard the reply made by the Secretary for Health and Welfare, it seems to me that not only is his criterion following the worldwide trend but it has also gone ahead of it, which even surpassed the Government's. Fortunately,

Mr Howard YOUNG then made some supplementary suggestions about the social centres for the elderly. He also appreciated that the Liberal Party knew that the work of the social centres for the elderly was to enable the aged to help themselves. The social centres for the elderly and health care work may strengthen the ability of the relatively younger elderly people, and may even reduce their needs for other costly services once they could help themselves. If these services are only provided for them when they reach the age of 65 or above, this will bring less economic results. As far as these services, especially the preventive ones, are concerned, both the Government and the world trend have started providing these services for younger people. It was only after I have heard the supplementary remarks made by Mr Howard YOUNG then I found the views put forward by the Liberal Party barely acceptable.

In my opinion, this motion reflects the intentions of the elderly people and the non-governmental organizations in Hong Kong in a most pragmatic way. As a Member of the Legislative Council, I think it is my most basic responsibility. I have no intention whatsoever of playing with politics, so Dr LAM Kui-chun can please set his mind at rest.

Although, this is not an age of consensus, we still manage to reach a consensus to a large extent in less than two months' time since the report has been published, despite the fact that there have been certain initial disputes. We certainly hope that the Government will eventually support the motion and bring good news to the elderly people. If consensus could be reached today, we will not have to waste any more time and efforts in promoting any policies. Further arguments will only be empty talks instead of practical work. We may put together the strength of this whole Council and the Administration as soon as possible in order to put these measures into practice. We have to carry out a massive plan without delay because I believe this will be most beneficial to the elderly people.

Today we have also heard a lot of views on health care services for the elderly. This proves that the Working Report still leaves much room for improvement. We look forward to the motion to be put forward by Mr Fred LI in January and the motion by Dr LAM Kui-chun next week. In fact, a consensus is best for us and even better for the elderly. I believe the elderly do not expect this motion debate in this Council to bring about any heated debate, but only human warmth. Therefore, although today's debate lacks the sparkles of political arguments, I still hope the media will show more concern about this and convey a warm message to the 800 000 elderly people in Hong Kong that the Legislative Council cares about them. Finally, may I make a very basic request in calling upon all Members to stay and vote on this motion. Thank you.

Question on the motion put.

Voice vote taken.

THE PRESIDENT said he thought the "Ayes" had it.

Mr Eric LI claimed a division

PRESIDENT: Council will proceed to a division.

PRESIDENT: Will Members please proceed to vote?

PRESIDENT: Are there any queries? If not, the result will now be displayed.

Mr Allen LEE, Mrs Selina CHOW, Mr HUI Yin-fat, Mr Martin LEE, Mr SZETO Wah, Mr Andrew WONG, Mr Edward HO, Mr Ronald ARCULLI, Mr Martin BARROW, Mrs Peggy LAM, Mrs Miriam LAU, Dr LEONG Che-hung, Mr Jimmy MCGREGOR, Mrs Elsie TU, Mr Peter WONG, Mr Albert CHAN, Mr Vincent CHENG, Mr Marvin CHEUNG, Mr CHEUNG Man-kwong, Rev FUNG Chi-wood, Mr Frederick FUNG, Mr Michael HO, Dr HUANG Chen-ya, Dr LAM Kui-chun, Dr Conrad LAM, Mr LAU Chin-shek, Miss Emily LAU, Mr LEE Wing-tat, Mr Eric LI, Mr Fred LI, Mr MAN Sai-cheong, Mr Steven POON, Mr TIK Chi-yuen, Mr James TO, Dr Samuel WONG, Dr YEUNG Sum, Mr Howard YOUNG, Mr WONG Wai-yin, Dr TANG Siu-tong, Miss Christine LOH, Mr Roger LUK and Alfred TSO voted for the motion.

The Chief Secretary, the Attorney General and the Financial Secretary abstained.

THE PRESIDENT announced that there were 42 votes in favour of the motion and no vote against it. He therefore declared that the motion was carried.

PRESIDENT: Before we come to the next motion, I would remind Members of the terms of Standing Order 31(2) as follows: "Reference shall not be made to a case pending in a court of law in such a way as, in the opinion of the President or Chairman, might prejudice that case".

A circular was issued to Members on 5 December 1994 at my direction, drawing their attention to a pending application in the High Court which challenges the legality of the continued detention of a group of former residents of Vietnam, who are all ethnic Chinese.

The central question in that case, under section 13D(1) of the Immigration Ordinance, is whether, in the absence of express time limits, a decision must be made within a reasonable time as to permission to remain in Hong Kong of a resident or former resident of Vietnam; where permission has been refused, whether removal must be effected within a reasonable time; and where this cannot be done as where Vietnam refuses to accept the persons concerned, whether their continued detention is unlawful. These questions should not be the subject of comment in speeches so as to ensure that no prejudice is caused to the pending case.

VIETNAMESE BOAT PEOPLE

MRS SELINA CHOW moved the following motion:

"That as Hong Kong has been troubled by the Vietnamese boat people (VBP) problem for over a decade and, in accordance with the target agreed internationally, this Council urges the Government to close all VBP centres in the territory by the end of 1995. The Government should not, for the purpose of closing the VBP centres, alter the illegal immigrant status of the boat people and allow them to become permanent residents of Hong Kong; and instead, the British Government should negotiate with the Vietnamese Government specific arrangements for speeding up the repatriation of the boat people stranded in Hong Kong and take in before 1997 those who are rejected by the Vietnamese Government."

MRS SELINA CHOW (in Cantonese): Mr President, ever since 1979 when Hong Kong began to be faced with the problem of Vietnamese boat people, this Council has repeatedly discussed this problem because time and again we feel that Hong Kong is being troubled by this problem. And, we also feel that it is necessary for the British Government to tell us how it is going to strategically carry out its promise of repatriating the Vietnamese boat people who are stranded here in Hong Kong, and of sending the refugees off to resettle in their host countries by 1997 the latest.

Recently, the Hong Kong Government, in the absence of consultation of any sort, moved 125 boat people who had been screened as illegal immigrants from the closed camps to the open camps and allowed them to go out to work on their own recognizance. This has caused much shock and anxiety to all sectors in Hong Kong. We are shocked because once this precedent is set, the 20 000-plus boat people who have been screened as illegal immigrants and have been rejected by the Vietnamese Government would be treated in the same manner and this, without doubt, would push Hong Kong into a bottomless pit. Hong Kong would then change from a first asylum port to become the eventual place for resettlement of the illegal immigrants whom we have not been able to repatriate. How many social problems that would lead to and how many more

Vietnamese boat people would be attracted to swarm to Hong Kong? Would any of us dare risk a guess as to the consequences?

The way the Government handled these 125 Vietnamese illegal immigrants is open to question. At first, the Government cited a precedent under British common law to the effect that "only where removal can be effected within a reasonable time will it be lawful to keep the concerned people under continued detention" and argued that not to let them go free would be inconsistent with the precedent. Hence these 125 Vietnamese illegal immigrants were allowed to go out to work on their own recognizance. But two weeks later, officials of the Security Branch indicated that these people could be repatriated in three months. Well then, if the Government knew that these people could be repatriated within three months, it would be "removal to be effected within a [known] reasonable time". How can it be considered unlawful detention? What is strange is that after the above piece of news was released last week, the Secretary for Security again clarified that the three months, as alleged, was by no means certain. No matter who is right and who is wrong, the Government will have to repatriate these 125 boat people as soon as possible. And once the repatriation is ascertained, the Government will have to move them back to the closed camps.

In fact, Hong Kong is in a dilemma as, on the one hand, foreign countries have shown their unwillingness to accept more Vietnamese refugees who are stranded in Hong Kong and, on the other hand, after the massive outflow of Vietnamese boat people has ended, Hong Kong is still accepting most boat people among all first asylum ports. There are many who come but few who would leave. In other words, there are more and more boat people stranded in Hong Kong. From the statistics of all resettlement countries, there is a perceivable trend of drastic decrease in the intake of Vietnamese refugees year after year. There were 3 439 in 1992, 2 571 in 1993 and only 1 407 this year. The two conceivable reasons are probably as follows: there are fewer and fewer *bona fide* Vietnamese refugees and foreign countries' willingness to accept refugees has been declining.

It is even more worrying when we look at the number of boat people. In respect of those countries and places which also offer first asylum such as Malaysia, Indonesia, the Philippines, Singapore and Macau, the total number of Vietnamese boat people sojourning there is 21 703 which is even lower than the 23 000-odd in Hong Kong. What calls for close attention is that since 1991 the number of Vietnamese boat people who have entered the waters of these countries or places has been almost nil. Take last year as an example. Among the six first asylum countries or ports, only three had boat people entering their waters: Indonesia 23, Thailand 14 and the Philippines 1 while Malaysia, Singapore and Macau had none. On the other hand, Hong Kong accepted 101. And up to November this year, we have accepted 343 Vietnamese boat people.

Does this mean that concerning the international problem of Vietnamese boat people, Hong Kong has come to the stage of having to bear all responsibility on its own? The above mentioned six countries and places would have no problem closing the boat people camps in their territory by the end of 1995. But why is it that only Hong Kong has been having Vietnamese boat people entering the territory all through these 15 years? We have heard that it will not be possible to achieve the original goal of closing the boat people camps in 1995. I hope that the British Government and the Hong Kong Government will find out quickly why other first asylum countries or ports can free themselves of the trouble. What are the differences between them and Hong Kong? The Government can also review its policy of first asylum.

We have not seen any reiteration of the commitment about the Vietnamese boat people in the policy address of the Governor in the past few years. And does this mean that the Government feels that this problem is not worth mentioning? In the policy commitments released together with the Governor's policy address in October, the Secretary for Security has told us that the international agreement of closing all boat people camps by the end of 1995 is still effective. While the promise was still ringing in our ears, the Refugee Co-ordinator, Mr BRESNIHAN, said a month later that it would not be possible to close all boat people camps by the end of 1995 and Members of the Executive Council said that it would be difficult to repatriate all Vietnamese boat people by 1997. Yesterday, the Secretary for Security withdrew his previous remark and only said that they would have to extend the date for closing all boat people camps to the end of 1996 and emphasized that it was only a goal instead of an absolute deadline. In the face of these inconsistent remarks by the Government, does it mean that the assessment of the Vietnamese boat people problem has been flawed? Or the Government is basically "tackling each bit of the problem as and when it arises" in respect of the policy itself and the handling of the Vietnamese boat people without an overall proactive strategy?

In front of us, there are a few worrying messages which we cannot dismiss lightly: (1) The contradictory remarks made by the Hong Kong Government about repatriating all Vietnamese boat people by 1997 have given rise to much misgivings; (2) The Chinese Government has already stated that after 1997, the problem of Vietnamese boat people stranded in Hong Kong will solely be the British Government's business. The Chinese Government will only accept those who have lived in China before. It will not deal with any other related matters. If the British Government does not shoulder its responsibility as the signatory to Geneva Agreement, Hong Kong will certainly be caught in the middle and there is no guarantee that Hong Kong will not be forced to bear this heavy burden of the Vietnamese people on its own; (3) The Governor has remarked that it would be a terrible idea if the British Government were to take in all boat people stranded in Hong Kong; (4) The challenge by concerned groups of the legality of detention of the boat people stranded in Hong Kong; (5) The Government's departure from precedents by allowing Vietnamese illegal immigrants to go out to work on their own recognizance.

Adding to the above worrying signs, many believe that the Hong Kong Government is testing the reaction of the public by allowing 125 Vietnamese illegal immigrants to go out to work on their own recognizance. Also, there are reports that at a meeting in mid-November, the high levels of the police force told officers to be well prepared as 5 000 or more boat people would be released in the following few months. Putting all these together, it would not be an over-reaction if we conclude that the Government is purposefully changing the status of the boat people stranded in Hong Kong to achieve the goal of closing down all boat people camps by the end of 1995. And that is because various signs have indicated that the British Government is already preparing for a "backing out" in view of their impending failure to completely solve the boat people problem after 1997, when Hong Kong people will certainly demand of the United Kingdom to discharge her responsibility. As a Hong Kong citizen, I see no valid reason that Hong Kong has to bear this problem alone, for it has not only given rise to socio-economic problems and burdens, but also invites criticisms by foreign observers every now and then who allege that Hong Kong breaches the spirit of humanitarianism. This is indeed a supreme international irony, only that Hong Kong people do not find it amusing at all.

The Liberal Party conducted a signature campaign last weekend and collected over 12 000 signatures. The signatories were all supportive of today's original motion. I hope that my colleagues in this Council will consider the opinions of these citizens.

Mr President, the United Kingdom is the sovereign state of Hong Kong and its sovereignty is effective until 30 June 1997. That Hong Kong has become a port of first asylum to Vietnamese refugees was the result of the Geneva Agreement signed by Hong Kong's sovereign, the United Kingdom. Therefore, the United Kingdom is the only legitimate power to shoulder the responsibility as regards the problem of Vietnamese boat people in Hong Kong. Neither Hong Kong, as a colony, nor the future Special Administrative Region can take over this status. By 30 June 1997, the United Kingdom must discharge her responsibility as a signatory to the Geneva Agreement in accepting all Vietnamese boat people who are still stranded in Hong Kong and dealing with them appropriately at her own discretion.

No matter how terrible the Governor thinks this idea would be, the United Kingdom should still bear her responsibility as the sovereign of the people of Hong Kong. It would be a really terrible idea if the United Kingdom should shirk the responsibility. Mr President, the following members of the Liberal Party: Mrs Miriam LAU will speak on the legal basis as regards the release of the 125 boat people by the Hong Kong Government; Mr Peter WONG will elaborate on the the Liberal Party's stand as regards Mr Frederick FUNG's proposed amendment and Mr Howard YOUNG will state why the Liberal Party opposes Mr Alfred TSO's amendment motion.

The problem of Vietnamese boat people has been dragging on for 15 years. When the Governor assumed office, he said that he was on extremely good terms with the Prime Minister and the Foreign Secretary of the United Kingdom which would be helpful in dealing with various problems in Hong Kong. The problem of stranded Vietnamese boat people has now reached an intolerable stage. It is necessary that the Governor should take advantage of his close relationship with the leadership of the United Kingdom to try to urge the British Government to take a serious look at this problem. On the one hand the Hong Kong Government should formulate positive measures and strategies so that when the Governor visits Vietnam next year, he can hold effective discussion with the Vietnamese Government. On the other hand, the British Government should, through the highest level, call for international co-operation to review the problem and situation during the past one and a half decades, and try to find a thorough resolution without delay.

Mr President, with these remarks, I move the motion.

Question on the motion proposed.

PRESIDENT: Mr Alfred TSO and Mr Frederick FUNG have given notice to move amendments to this motion. As Members were informed by circular on 5 December, under Standing Order 25(4) I shall ask Mr Alfred TSO to speak first, to be followed by Mr Frederick FUNG; but no amendments are to be moved at this stage. Members may then debate the main motion as well as each of the two amendments listed in the Order Paper.

MR ALFRED TSO (in Cantonese) Mr President, none other than the word "mistake" can fittingly describe the policy with which the Hong Kong Government has been dealing with Vietnamese boat people over the past 15 years. In 1979, Britain, as our sovereign state, forced on Hong Kong the policy of assuming the role of port of first asylum, which was "a big mistake"; in 1988, the Hong Kong Government introduced the open camp policy, which was "a further mistake"; and today, the Government suddenly announces that 125 boat people are to be released and in addition to that, they are allowed to go out to work, and this really is a "mistake beyond repentance".

If we were to do some countings, when Hong Kong was given the Hobson's choice of having to take up the the burden of Vietnamese boat people on her shoulders since 1979, almost as many as 200 000 refugees or boat people have set foot on this "paradise". At present, as many as 25 000 boat people are still stranded in Hong Kong. Exactly when will the people of Hong Kong be able to be relieved of this heavy load? Will it be 1995? Or 1997? Or heaven knows when! Can somebody tell me when? Do government officials have the guts to "bravely promise" a guarantee of one sort or another?

Boat people have created a burden for Hong Kong. Let us not mention the \$6.6 billion already spent on them. The more serious problem is that the lives of members of the public have been disturbed. We still remember in 1987, when the number of refugees coming to Hong Kong surged, the Government then introduced a screening policy. On the face of it, this is quite a sound policy in deterring boat people from coming to Hong Kong by putting those who have been screened out as non-refugees in closed camps pending their repatriation to Vietnam. But the motive behind it is to lure the people of Hong Kong into accepting the policy of open camps. At that time, we at the Tuen Mun District Board had already pointed out clearly the adverse consequence and a motion opposing the policy had been carried. But the Government just turned a deaf ear to public opinion and insisted on introducing the open camp policy which allows a large number of Vietnamese refugees to go free and go out to work. This has created a serious disturbance to the Tuen Mun community and the residents are all full of complaints. I believe my personal experience in this respect is far more profound than any of the Members present in this Council.

I still remember that the Tuen Mun District Board raised strong objections with the Government. The board warned that should refugees be allowed to work in Hong Kong, to have contact with this tempting world of Hong Kong and to enjoy a life of material affluence, the news of Hong Kong being a mine for gold hunting would spread like prairie fire, and this would inevitably trigger off a new influx of boat people. The prediction has unfortunately come true. In 1989, as many as 35 000 boat people flooded into Hong Kong. Their sole purpose of coming here was to seek a better living.

Faced with a rising chorus of discontent from the Hong Kong people, the Government was forced to introduce mandatory repatriation in 1991. I once took part in "the grand seeing off at the airport" to give vent to our discontent through seeing the boat people departing from Hong Kong. I reiterated then that the only way to really and truly solve this knotty problem of boat people was to scrap the first asylum policy, otherwise, it would only leave a bomb that could explode any time. Regrettably, the Government did not take my advice.

Today, the Government is once again treading on down beaten tracks. Without any consultation with the Legislative Council, district boards and the public, it has hastily decided to transfer to open camps 125 boat people who joined the Voluntary Repatriation Programme but were rejected by the Vietnamese Government. The Government even allows them to go out freely to work. The Government has described this international political issue of the Vietnamese boat people as one of "detention". This is a blatant breach of the law. If this were not some momentous trick pulled by the Government with some ulterior motive in mind, then it is like lifting a rock only to drop it onto one's own foot. And this raises serious doubt as to the capability of our high-ranking government officials.

This incident will no doubt create an illusion for the boat people that so long as they have joined in the Voluntary Repatriation Programme and the Vietnamese Government is made to refuse them entry, they can then be allowed to go as free people. Once this precedent is set, who can guarantee that the 25 000 boat people who are now stranded in Hong Kong would not become Hong Kong citizens some day. They are already very happy with being able to stay in Hong Kong and work. What worries me even more is that this will trigger off a new influx of boat people to flood Hong Kong as there is nothing Hong Kong can do to stop them coming.

It is clear from this episode that the Government has recklessly come up with this erroneous decision without regard to the consequences which will only bring in even greater losses to Hong Kong. Let me ask the officials who are receiving handsome salaries whether they have the courage to come forward to take up the responsibility. If it be so unfortunate that another influx of boat people comes about, how can you account to the people of Hong Kong? Will they take the blame and resign?

In dealing with this incident, government officials have not made themselves accountable to the people. On the contrary, they are dallying with the people and fooling them around. Initially when this Council questioned the Government on the justifications in releasing the 125 boat people, government officials kept saying that they were doing things according to the law but could not guarantee against any recurrence. However, in the face of strong objections, high-ranking officials changed their tone and said that the Government was confident in sending all these boat people back to Vietnam in three months' time. Since the Government said that there was a definite schedule for the repatriation of these boat people, then why should it have made the decision in the first place? Is it not self-contradictory for the Government to have said two completely different things within a short span of just a few days? Or would it be necessary for members of the public to press the Government such that it is only when they are "one step forward" then the Government would "fall back one step"? If we just kept silent and be submissive people, the Government could have "sold the people of Hong Kong down the river" and "have done whatever it pleased"!

Mr President, it is an opportune time the Honourable Selina CHOW moved this motion today as it urges the Government to review its problem-riddled boat people policy. However, in my view, the content of the Honourable Selina CHOW's motion still fails to identify at one stroke the crux of this boat people problem and to fit in the remedy to the case, which is why I have to propose an amendment motion.

My main purpose in proposing the amendment is, firstly, to ask the Government to immediately scrap the first asylum policy. Failing this, the door for the boat people will be forever open and the boat people problem that has been plaguing Hong Kong can never be truly solved. Mr Douglas HURD, the British Foreign Secretary of Britain had made it clear that it would be up to the

Hong Kong Government to scrap the first asylum policy. Why is the Government still refusing to face up to this problem? Why does it not protect the interests of Hong Kong people who live in this small but populous international city by proposing to the international community to scrap the first asylum policy? If there have been loopholes, where exactly are they and how can they be plugged?

Mr President, since the two major parties have made it clear that they will not support the amendment motion, I dare not cherish any extravagant hope. However, I know very well that scrapping the first asylum policy is the wish of Hong Kong people. I hope that major parties can face up to the people, hold themselves accountable to the people, think it well over once again and change their attitude. Our positions should be consistent.....

The digital timer showed 0700

PRESIDENT: You have to finish, Mr TSO.

MR FREDERICK FUNG (in Cantonese): Mr President, first of all I have to make it clear that I move an amendment to the motion today not because I am opposed to Mrs Selina CHOW's original motion. It only means that, in my opinion, the scope of the original motion is insufficient to cover all aspects. I absolutely agree that if the Vietnamese boat people (VBP) problem were not solved, the British Government would definitely have the moral obligation to take up all the responsibilities thereof, including solving the problems concerning the VBP stranded in Hong Kong and the debt which the Office of the United Nations High Commissioner for Refugees (UNHCR) owes to Hong Kong.

As to the other amendment moved by Mr Alfred TSO which seeks to abolish immediately the "port of first asylum" policy, I totally disagree with it. Since the United Nations Conference on Indo-Chinese Refugees resolved in 1979 that Hong Kong as well as other Southeast Asian countries (including Malaysia, Indonesia, Thailand, the Philippines, Singapore and Macau) would become the ports of first asylum, we cannot rashly ask to have it abolished, for this will imply that the VBP entering the waters of Hong Kong will be towed out to international waters by the marine law enforcers of Hong Kong at any time, regardless of the risk this will pose to the lives of the VBP. This is so inhumane that I entirely cannot accept it. Mr TSO may ask us to face the fact. But if the fact is to leave a group of people adrift within the waters of Hong Kong without giving any helping hand, the course of action will imply a sense of cold-bloodedness which is indeed scary. The Hong Kong Association For Democracy and People's Livelihood (ASDPL) and I think that it is wrong to suggest an immediate abolition of the "port of first asylum" policy.

Nevertheless, ADPL and I hold that we cannot allow the boat people to stay here permanently just because Hong Kong is a port of first asylum. Faced

with the objective constraints of having a large population but scarcity of land, it is indeed difficult for Hong Kong to become a port of last asylum. As at 25 November 1994, there are still 23 728 VBP in Hong Kong waiting to be repatriated or resettled overseas. In view of the present repatriation progress, even Mr BRESNIHAN, the Refugee Co-ordinator, remarked that it would be impossible to solve the problem before 1995.

The Governor, Mr Christopher PATTEN, as an official accountable only to the British Sovereign, finally stated his stance last week, saying that it was a "terrible" suggestion requesting Britain to take the boat people, as it would encourage more boat people fleeing from Vietnam into Hong Kong. From this statement of the Governor, we can clearly see his true intention of defending the interests of Britain, his outward show in concealing his forsaking of Hong Kong's interests, and his eagerness in absolving Britain from the obligation. However, with the imminent transfer of sovereignty, the Special Administrative Region (SAR) after 1997 will be under the rule of the Chinese Government and will no longer be a colony. Since the VBP policy at that time was formulated by the sovereign state, Britain, the relationship of ruler and the ruled hitherto subsisting between Britain and Hong Kong will cease to exist after the transfer of sovereignty, and the Chinese Government has also made it clear that Britain will have to solve the VBP problem on her own. With the above changes in circumstances taking place, both ADPL and I would think that Britain does have the obligation to take the lead in receiving the boat people stranded in Hong Kong and those waiting to be resettled in other countries, including the ones who are rejected or will be rejected by the Vietnamese Government, so as to alleviate the stress on the population and the economy in Hong Kong.

Over the past years, the Hong Kong Government has spent quite a lot of social resources in receiving and taking care of the boat people. Since the emergence of the VBP problem in 1979, the Hong Kong Government has already incurred about \$6.2 billion. Both ADPL and I opine that the VBP problem is an international one and thus the expenditure incurred should be borne by the international community. Up till now, as disclosed by the officials from the Security Branch, the UNHCR owes a total of \$980 million to Hong Kong. We are really dissatisfied with the UNHCR for having owed the Hong Kong Government so much for so long, and we express deeper regret for the remark made by the Secretary for Security months ago that, if the Hong Kong Government could not recover the debt, the case would be left to the future SAR Government for a solution. We think that this statement was made to exonerate the British Hong Kong Government from the responsibility in this respect. The ADPL reiterates that since the VBP policy is formulated for Hong Kong by the British Government, the task left uncompleted by the Hong Kong Government today should be taken up by the then, that is to say, the present, sovereign state. It would not be right to leave this rotten mess to the future SAR Government to clear up.

The Hong Kong Government should take positive actions to recover the debt. If it is unable to recover the debt from the UNHCR before 1997, the

British Government should, on behalf of the UNHCR, repay the debt to the future SAR Government in order to fully discharge its responsibility, as the sovereign state government before 1997, by "carrying on" where the then Hong Kong Government has left off.

Mr President, these are my remarks.

MR HUI YIN-FAT (in Cantonese): Mr President, the issue of Vietnamese boat people has been plaguing Hong Kong for as long as 15 years and it seems possible that the issue may still be outstanding after the big date in 1997 for the handover of Hong Kong's sovereignty. The culprit in the entire saga is none other than the hypocritical United Kingdom Government which imposed upon Hong Kong the status of first asylum for refugees without consulting the people of Hong Kong in advance, in order to allow the United Kingdom Government to play a humanitarian role in the international community at the expense of the interests of Hong Kong people. Over the years, while the United Kingdom Government has been enjoying the praises and taking sole credit, it has done little in exerting pressure on the United Nations on behalf of Hong Kong to urge for an increase of resettlement places in western countries, let alone taking the lead in providing more resettlement places. The indifference of the United Kingdom Government has caused a drain on the public funds of Hong Kong to the tune of \$1 billion.

The British politicians' blatant egotism and their repeated examples of perfidy and treachery have filled the people of Hong Kong with extreme disgust; and, it is most irritating to find that the Government of Hong Kong has been adopting a "couldn't care less" attitude. As we all know, due to a variety of objective constraints, the Government, in dealing with the refugee and the boat people problem, is invariably in a passive position and it is not up to the Government to make decisions. From Lord MacLEHOSE of Bloch up to the incumbent Governor, who, among these Governors, would dare to stick their necks out and risk their prospect at stake by speaking for the people of Hong Kong and pressing the United Kingdom Government to implement a policy which would run counter to the interests of the United Kingdom?

Upon assumption of office, Governor Chris PATTEN has been projecting an image of being close to the people, giving the impression that he is acting wholly in the interests of the people of Hong Kong. However, the Government's recent move of releasing 125 boat people, who were originally intended for voluntary repatriation but were subsequently rejected by the Vietnamese Government, from closed camps to open camps has aroused strong protest among the public. The Governor went so far as to say that it would be a terrible idea if we were to request the United Kingdom or a third country to resettle all the boat people stranded in Hong Kong. Maybe the remarks of the Governor, following that of the Foreign Secretary, Mr Douglas HURD, who had gone back on his own words by saying that the objective of resolving the boat people issue by 1995 could no longer be attained, was to pave the way for

the United Kingdom Government to shirk its ultimate responsibility as regards the boat people.

It is widely known that the Chinese Government has stated, in clear and unequivocal terms, its stance of not taking over the heavy burden of boat people left by the United Kingdom and Hong Kong Governments. There is a possibility that the port of first asylum policy and the Comprehensive Plan of Action currently being implemented by the Hong Kong Government may be abolished by the Special Administrative Region (SAR) Government after 1997. In other words, the issue of having over 20 000 boat people stranded in Hong Kong is becoming a pressing problem. However, not only does the Governor fail to allay the worries of the people of Hong Kong, but it has even employed intimidation tactics. In fact, since the United States scrapped its high-handed policy of imposing a trade embargo on Vietnam, Vietnam has rejoined the international community. With Vietnam speeding up its economic development, the advantages will include the drastic reduction of boat people fleeing the country and the boosting of confidence for the boat people in first asylum ports to join the Voluntary Repatriation Programme. The normalization of Sino-Vietnamese relations, there will be less worry of the Hong Kong people over another massive influx of boat people. What is bothering us is the fact that we have no idea as to the number of stateless boat people who will be rejected by the Vietnamese Government and whether or not the boat people will finally have to stay in Hong Kong. I think that it is both rational and reasonable for the people of Hong Kong to request that the United Kingdom Government be held ultimately responsible for the boat people stranded in Hong Kong.

The priority task for the Government, of course, is to negotiate with the Vietnamese Government over the resettlement of these stateless boat people, and to speed up the screening process for the determination of the status of all the boat people. No matter whether or not the boat people are willing to join the Voluntary Repatriation Programme in the future, all the relevant information must be sent to the Vietnamese Government as fast as possible for cross-checking, so that the same embarrassing incident would not recur. Secondly, the implementation of the Comprehensive Plan of Action should be followed up more rigorously and the matter could be escalated to international level, such as the office of the United Nations High Commissioner for Refugees, to seek for a solution. Therefore, I oppose the immediate abolition of the policy of first asylum (although many Members may be aware that I was once a supporter for the abolition of the policy) because that would carry no merit other from pleasing some of the short-sighted voters. To aggravate the situation, the abolition of the first asylum would only further isolate Hong Kong while the United Kingdom Government could stay aloof from the affair. I earnestly request the Honourable Alfred TSO to think twice. I personally also hope that the Governor can give his diplomatic skill full play during his scheduled visit to Vietnam next year, so as to convince the Vietnamese Government to take back all the Vietnamese boat people stranded in Hong Kong.

Mr President, with these remarks, I support the motion.

MR MARTIN BARROW: Mr President, I rise to speak in this debate with rather mixed feelings as it is a pity that the human tragedy of the Vietnamese migrants has once again been politicized within our community. This Council has debated the subject on many occasions over the past five years with emotions running rather high on some occasions. In the end, good sense has prevailed and we should all recognize the progress that has been made in reducing the number of migrants stranded here from a peak of 65 000 to 24 000. Over these five years, 70 000 Vietnamese have left Hong Kong to Vietnam or resettlement countries — an achievement that looked unlikely back in 1989.

There are, however, a number of important points that must be reiterated both on the overall issue and on the role of the United Kingdom Government. First and foremost, the Vietnamese migrants remaining in Hong Kong must be under no illusion about their future. For the very great majority, their future must lie back in Vietnam, and the recent release of a tiny number should not raise false expectations. It is most disappointing that the voluntary return programme, which was going so well in 1993, has slowed down in 1994. It was always likely that we would reach a hard core of a few thousand who would not wish to return under any circumstances, but I fail to understand why there has been a slow down at this level.

I have spoken many times in this Council on the need to step up the marketing of the return programme. This puts it in a business context, which may sound harsh, but it is the right way to look at the issue. The number of counsellors in the camps remains inadequate, and the quality of the counselling also leaves a lot to be desired. The Hong Kong Government and the United Nations must get over the message that life in Vietnam has improved.

Mr President, I am a regular visitor to Vietnam myself and was there only last week. There is no doubt that living standards have improved dramatically under the recent free-market economic policy, and we must get this message over to the people in our camps. I hope the Government will brief us at the end of this debate on their action plan. If this needs some modest funding, I would support such a proposal as that would reduce our costs in the long term.

Secondly, on the question of the British responsibility. It is in my view unacceptable that Britain should have stopped its programme to take its share of the refugees. I raised this here during the recent visits of both the Secretary of State and the Minister responsible for Hong Kong, and on both occasions received an unsatisfactory response. How can we expect other countries to continue taking refugees, 1 600 of whom remain in Hong Kong, if our own sovereign power does not take its fair share? This is something that the Hong Kong Government needs to take up with the United Kingdom in the strongest possible terms, and I trust the Government will confirm this today.

Furthermore, United Kingdom support is needed in negotiating with Vietnam on return arrangements, funding aid projects in Vietnam and in

pressing the United Nations High Commission for Refugees to settle its debts. Some Members are calling on the United Kingdom to take the remaining people in Hong Kong. It is right to press the United Kingdom on the above points, but it is an unrealistic option for the United Kingdom to take the migrants as opposed to refugees. This proposal could raise false expectations and will not help resolve the issue. It is also not in the best interests of the Vietnamese themselves, most of whom are farmers and fishermen from the northeast provinces. Their future must lie in Vietnam. It would be much more appropriate for us to encourage the United Kingdom to allocate resources to help those provinces.

Thirdly, I have always spoken against changing the policy of "first asylum" and I do so again today. It is not in Hong Kong's self-interest to change policy at this stage, and it has always amazed me since five years ago that the left hand of the community was pressing for a change of "first asylum" policy while the right hand was going around the world seeking passports for Hong Kong people.

Fourthly, I must urge this Council and the community generally not to over-react to the release of a very limited number of migrants within Hong Kong. It is a pity that this should be taken by some as an opportunity to fan the fire of racism. The Government has made it clear, and I am sure will do so again today, that this is not the thin end of the wedge and that we are not going to see 20 000 people suddenly released. Hong Kong has always been a tolerant and caring society, and it will be sad to see any change of that approach by the community.

We must continue to be sensitive to Hong Kong's position and the need to avoid provoking others around the world to criticize Hong Kong. We have all the pluses of our unique geographic position and the minus of our proximity to Vietnam during a period of difficulty in that country. There is nothing that any of us can do about our location.

In conclusion, Mr President, while I support pressure on the United Kingdom to help in the ways I have mentioned above, I cannot support unrealistic objectives and I will, therefore, abstain on Mrs CHOW's motion and Mr Fung's amendment and vote against Mr TSO's amendment.

Finally, the following Members have asked me to say that they agree with my remarks: Dr Samuel WONG, Mr Roger LUK and Mr Simon IP. Thank you.

MR JAMES TO (in Cantonese): Mr President, the Vietnamese boat people problem is an international tragedy, in which Hong Kong is also one of the victims. We have, on humanitarian grounds, done our part in helping those who are suffering and in need of help. We hope the United Kingdom Government and the international community do theirs too, instead of treating kind people like us as fools.

The United Kingdom Government, at the 1979 Geneva Conference, has undertaken on behalf of Hong Kong to be a port of first asylum. Naturally, we are unhappy with the arrangement because we were never consulted beforehand. We even have the feeling of being betrayed. For more than 10 years, we have been doing a thankless job; we have spent several billion dollars for the arrangement. In particular, we need to put in a huge amount of resources to defray the costs and expenses in screening boat people and in maintaining detention centres for them. All these costs and expenses have been financed by the Hong Kong people single-handed since the United Nations refuses to pay for them. Up to now, Hong Kong has spent some \$6 billion on Vietnamese boat people but assistance from the United Nations has been only symbolic. Despite the several billion dollars Hong Kong has paid, there is still \$900 million outstanding from the United Nations High Commissioner for Refugees (UNHCR). How disgusting it is to find that the United Nations is delaying payment of this sum, which is a relatively small amount compared to what we have paid. We have tried to help the boat people. We have even paid out of our own pockets for this, which we did not make any special mention. We have discharged a significant part of our international duties of a humanitarian nature. However, we end up paying even for those expenses that the United Nations has promised but failed to pay up. For the Hong Kong people, where does natural justice find its place! The United Kingdom Government should pay for these expenses. Mr Martin LEE and I have, on various occasions, proposed that if the United Kingdom Government refuses to pay, we should recover the said expenses by deducting from the money we have been paying to the United Kingdom Government as defence costs.

We feel that the Administration deserves to be criticized for having transferred 125 boat people to an open camp as that was done without adequate prior consultation or allowing the residents to acquire an understanding. After careful consideration of certain legal arguments, we do not think that the Administration is legally justified in terms of the rule of law to continue detaining the boat people at detention camps. At the same time, however, we are worried that the Administration's action may adversely affect the attitude of other Vietnamese boat people towards the Voluntary Repatriation Programme. The important thing to do now is to compell the United Kingdom Government to join with the Hong Kong Government in talking to the Vietnamese Government to resolve the issue of repatriation for these 125 boat people.

For humanitarian reasons, the Democratic Party does not support the scrapping of the policy of "first asylum". What is confronting us now is not a massive influx of boat people into Hong Kong. The number of boat people arriving has been minimal: 101 in the whole of 1993 and only 343 so far up to November in 1994. So, scrapping the said policy will not solve our present problem. We should not just take whatever action that comes to our mind and think that we have solved the problem. We should not be confused by the problems that have arisen. We should not act haphazardly. Scrapping the "port of first asylum" policy would not be practicable as it would mean that if boat people were to come to Hong Kong for political asylum, not only would the

Administration reject their request, it would also tow them out on to the high seas. This, the British Navy has indicated quite sometime ago that they would not take such an action; and this is not what we would approve either.

Humanitarian consideration apart, if Hong Kong were to unilaterally abandon the policy of "being the port of first asylum", it would mean a unilateral violation of an international consensus. As a result, the international community may refuse to accept for resettlement genuine refugees stranded in Hong Kong. How the Vietnamese Government would respond to this violation is anybody else's guess. All this will only make repatriation more difficult. In practical terms, ending the role of "first port of asylum" will tarnish Hong Kong's image on an international level. In fact, with such a low number of boat people arriving at the territory nowadays, such a move will prove far too costly to be worth the while.

Internationally, there is already in fact a consensus to solve the boat people problem, which has been represented in an agreement reached several years ago between Southeast Asian countries for a Comprehensive Plan of Action (CPA) which requires countries to co-ordinate with each other to speed up the repatriation of all boat people and the acceptance of *bona fide* refugees, with a view to closing all camps in 1995. This consensus, coupled with an increased number of returnees under mandatory and voluntary repatriation programmes, still proved to be workable in 1992 and 1993. More than 20 000 were repatriated in the past two years. However, there has been an obvious drop this year in the number repatriated. Up to now, only 4 000 have been repatriated, amounting to only half of the number last year. Could the Administration tell me why there has been such a significant drop? Is it the Administration's intention to slow down its repatriation work so that the problem will be delayed until after 1997 when the Chinese Government will take over? If the United Kingdom Government feels committed to do something for the people of Hong Kong, it should pressurize the Vietnamese Government and lobby the international community to do their part so as to speed up repatriation.

Hong Kong has made great efforts in helping the boat people and should not be asked to do any more. If, by 1997 just before sovereignty reverts to China, there are still boat people stranded in Hong Kong because the Vietnamese Government for whatever reason has refused to accept them, the United Kingdom Government, as the hitherto sovereign state, which first laid down the policy of first asylum on behalf of Hong Kong and requested Hong Kong to accept these people for screening, should perform its duty by accepting the boat people for Hong Kong.

What the Governor said recently was totally offensive. It has been pointed out that if we were to request the United Kingdom to accept the boat people, they would be encouraged to take chances by resisting repatriation in the hope of gaining acceptance by the United Kingdom after 1997. Nevertheless, it should be the United Kingdom Government which should be responsible for

Mr President, with these remarks, I, on behalf of the Democratic Party, support Mrs CHOW's motion and Mr FUNG's proposed amendment but I oppose Mr TSO's proposed amendment.

MRS PEGGY LAM (in Cantonese): Mr President, the Vietnamese boat people (VBP) problem has been troubling Hong Kong for over a decade and has wasted more than \$6 billion of public funds. According to rough estimation, the taxpayers are responsible for \$2,600-odd in living expenses of each boat person per month. We are even more generous to the VBP than to the public assistance recipients in Hong Kong. Hong Kong people's sympathy for and support of the VBP is beyond doubt. However, Hong Kong people are holding fast to one principle, that is, the British and the Hong Kong Governments are responsible for repatriating all the boat people stranded in Hong Kong before the transfer of sovereignty in 1997. This is the undertaking given by Mr Douglas HURD, the British Foreign Secretary, to the Hong Kong people and to the whole world.

Nevertheless, days ago the Hong Kong Government suddenly released 125 boat people from the closed camps and this has given rise to the preposterous situation that "the illegal immigrants can work legally and move freely". This has come as a great shock to the community. I reckon that if the illegal immigrants are allowed to move freely and even to compete with Hong Kong people for employment vacancies, the authority and deterrent effect of the Immigration Ordinance will surely be undermined. Such being the case, not only will Hong Kong become a paradise to the illegal immigrants, but public confidence in the rule of law will also be affected.

According to the explanation of the Hong Kong Government, if that batch of boat people are not released, it may constitute a breach of Section 13D of the Immigration Ordinance, that is to say, if the Government is unable to submit any evidence to prove that the boat people will be repatriated within a short period of time, the authority to continue to detain them will be questionable. I think that any loopholes or grey areas in the legislation should be tackled by legal means, such as amending the law or even taking the case to court. The Hong Kong Government should address the legal problems concerned and put them right. It should definitely not have put the cart before the horse by releasing the boat people, thus creating a dangerous precedent which is even more unacceptable than legal loopholes to the Hong Kong people.

As a matter of fact, the remote cause of the release of VBP is that the Vietnamese Government is unable to verify the nationality of some of the VBP, thus affecting the VBP repatriation arrangement. I think that the British Government should try its very best through diplomatic means to urge the Vietnamese Government to fully execute its international undertaking of taking back all the VBP who have been screened as illegal immigrants. The Vietnamese Government has the responsibility to do its best in verifying the status of the boat people and to flexibly handle any questions pertaining to nationality. I believe that if some of the boat people are so unfortunate as to

immigrants were allowed to move about freely and even to compete with Hong Kong people for employment vacancies, the authority and deterrent effect of the Immigration Ordinance will surely be undermined. Such being the case, not only will Hong Kong become a paradise to the illegal immigrants, but public confidence in the rule of law will also be affected.

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I do not subscribe to some of the overseas comments which said that the release of 125 boat people is "a minor issue" and that the local community, in expressing its opinions, has overreacted. In fact, the release of the boat people may seriously affect the progress of the repatriation scheme. That move may convey a wrong message to the boat people in the camps who will think that there is a change in the Hong Kong Government's repatriation policy. This may dampen the desire of the boat people in joining the Voluntary Repatriation Programme or encourage some die-hard elements in putting up resistance to upset the repatriation scheme. What is even more worrying is that some boat people may provide inaccurate personal data deliberately to confuse the verification procedure of the Vietnamese Government with a view to gaining an opportunity to be released by cheating. Similarly, some illegal immigrants from Vietnam or the neighbouring areas may mistakenly take this to mean that the Hong Kong Government has granted an amnesty. The worry that there may be a massive influx of illegal immigrants into the territory is not totally unfounded.

As a matter of fact, experience in handling the VBP problem over the years has taught us that any slight concession in the Hong Kong Government's approach in handling the problem will be regarded as a sign of policy change by the boat people. An obvious example is that after the Hong Kong Government announced the suspension of the Orderly Departure Programme in April this year, the number of boat people who opted for voluntary repatriation dropped drastically. Furthermore, compared with last year, the number of boat people being repatriated has dropped remarkably, whereas the number of boat people arriving in Hong Kong has substantially increased for more than three times. At the time when the decision to release the 125 boat people was made, did it ever occur to the Hong Kong Government that this would add extra obstacles to the repatriation scheme which was already beset with difficulties?

I think the Hong Kong Government's "arbitrary and evasive" approach in handling the problem is totally contrary to the principle of being fair, open and acceptable to the Hong Kong people as advocated by Governor Christopher PATTEN. The Hong Kong Government had not consult the public prior to the release, but spoke evasively afterwards, without publicly offering any immediate explanation of the reasons for its decision. As a result, public opinion was outraged, and rumours and conjectures started spreading in the community. Hong Kong was immediately in the grip of anxiety and uncertainty. Judging from the Hong Kong Government's piecemeal explanation towards the issue and its weak promises, I cannot help wondering whether there is some information concerning the VBP problem which the Government has not yet disclosed.

The most pressing task for the Hong Kong Government is to show its determination in repatriating all the boat people before 1997 through practical action. The Government should undertake clearly to the Hong Kong people and the boat people that there will not be any more release in the future. Besides, the Government should also clearly reveal the number of boat people being formally rejected by the Vietnamese Government and whose status awaits further verification, as well as the Hong Kong Government's contingency plan in this regard. The Hong Kong Government has also the responsibility to make it clear to the public what has actually gone wrong in the repatriation arrangement in respect of the boat people released recently that necessitated special treatment by the Government. I believe that the Hong Kong Government is already aware of the difficulty in repatriating these 125 boat people again, because some of them have already found jobs and will no longer be willing to join the Voluntary Repatriation Programme.

Finally, I opine that the determination of Britain and the efforts of the Hong Kong Government are the prerequisites for the full and complete repatriation of the boat people before 1997. The disciplinary forces which actually deal with the VBP also need support from the Government and the

public so as to enable them to give full play to their capabilities in the performance of their duties.

Mr President, with these remarks, I support the motion.

MR JIMMY MCGREGOR: Mr President, almost every country and territory in Asia has had to deal with an influx of Vietnamese refugees during the last decade. These have been economic migrants desperately seeking a new home for themselves. Almost every country in Asia has resisted this influx, often because the people concerned belong to a different race and culture, and has thought of the Vietnamese as people who might cause domestic trouble. People were different from themselves.

Inevitably, Asian countries have taken specific measures to resist the influx and some of these measures have been, to say the least, cruel and unusual in that they have caused great danger and often death to those poor, seaborne migrants. Boats, some of them unseaworthy, have been pushed back out to sea with untold consequences. Hundreds of Vietnamese boat people on the high seas have been subject to pirate attacks which have resulted in rape, theft and death to many. The domestic conditions which brought this ethnic calamity about are well-known, and I will not labour them except to say that Vietnam and the Vietnamese conflicts were not solely brought about by the Vietnamese themselves.

The wars in Vietnam were anti-colonial and also political in nature, involving massive international interference and intervention in that sad country. The economic collapse of Vietnam was inevitable, and the desperate migration of Vietnamese people was predictable and equally inevitable. Tens of thousands of Vietnamese have been locked up in camps across Asia, and the greatest possible pressure put upon them to return to Vietnam once the government of that country had agreed to accept them back.

I do not know exactly how many Vietnamese made their dangerous way to Hong Kong, but I believe it must be almost 200 000, of which less than 25 000 remain under lock and key. Most have gone on to recipient countries able to accept them as human beings anxious for a new start and willing to work for it. Increasing numbers are returning to their own country, often a return to poverty rather than hope.

Hong Kong has never been kind to the Vietnamese immigrants. The general feeling here has been one of frustration and indeed anger that they should come to Hong Kong at all. We have had many debates in this Council on the issue, with most Members speaking strongly against the United Nations, Britain and at times the United States for their failure to resolve the problem and/or to move the Vietnamese illegals from Hong Kong. Some councillors have pandered to the worst levels of public opinion in Hong Kong by proposing the scrapping of the "first port of asylum" policy, thus effectively preparing the

way for the boats to be pushed out to sea, come what may. At one time, I began to believe that the Vietnamese had become a favourite point of attack for budding politicians with a target which was helpless and a cause which would excite rabid response.

Any interested person who cares to read the Hansard records of the Legislative Council debates on this subject on 17 May 1989, 29 November 1989, 5 June 1991 and 11 March 1992 may get the same impression that I have. The background to the present debate is interesting. Some 23 000 Vietnamese remain in our midst, incarcerated and closed camps, unable to move about or to work, dependent on cold charity and yet still unwilling to go home and hope with emigration to a developed country for their new life. Very few Vietnamese migrants have come here during the last two years as their country has slowly improved its economy and its international relations. Gradually the Vietnamese in our closed camps have been reduced from 55 000 at the end of 1991 to about 23 000 today. A substantial and successful reduction. Programmes to repatriate the remainder are being vigorously pursued. It is actually a hopeful picture. Yet, the lawful release of 125 Vietnamese into our community to join the hundreds of thousands of non-Chinese people working here, and the 3 million Chinese immigrants who have transformed our economy during the last 50 years, has caused an uproar. So much so that we are now asked to debate the issue once again, at a time when the overall picture is a good deal more hopeful than at any time during the last five or six years.

I do not know how many Vietnamese have legally immigrated into Britain during the last few years. I know that Britain has been a haven for immigrants from former colonial territories since World War II, and properly so. As far as I am aware, Britain has several million immigrants, most of them and many of them after the World War II, with the inevitable racist reactions from British people. The United States has also accepted many millions of legal and illegal immigrants during this time, including several hundred thousand Vietnamese. I must mention, also, the British willingness to accept over 155 000 Hong Kong people should they wish to go to Britain at or after 1997 with a British Passport. Perhaps they might include some Members of this Council.

In short, I do not see the purpose of this motion. If it is to embarrass the British Government, it will not succeed. If it is really to ask the British Government to accept the remaining Vietnamese in our camps, it will not succeed. If it is to ask the Hong Kong Government to change the law which allowed the 125 Vietnamese to stay in Hong Kong, it does not deserve to succeed. We cry to the heavens that Hong Kong's success and our future are based on the rule of law. Then, when the rule of law produces a result that some of us do not like, we then suggest that the law and its application through the courts is somehow flawed. You cannot have it all ways. You win some, you lose some, and the law works fairly for all.

Mr President, we have helped tens of thousands of Vietnamese to begin new lives of hope in other countries. Our efforts have been honourable and successful. It is unthinkable that the "first port of asylum" policy should be rejected, and it is shameful in my view to propose that. If the Vietnamese need help and sympathy they will have to seek it from the Almighty, for I fear they will get very little in this Council or even in Hong Kong. This motion has no merit and I oppose it. I also oppose the politically-inspired amendments.

MR PETER WONG: Mr President, I rise to speak on Mr FUNG's amendment to Mrs CHOW's motion, which is supported by the Liberal Party.

Since the problem started in 1979, the actual amount spend on Vietnamese Boat People, together with the projected costs up to 31 March 1995, comes to HK\$6,638 million for the Hong Kong Government, HK\$849 million for the British Government and HK\$1,253 million for the United Nations High Commission for Refugees (UNHCR). Roughly, this translates into the proportional sums of \$7.80 for us, \$1.00 for the British and \$1.47 for the UNHCR.

Although the British have paid in their share regularly, the UNHCR has acknowledged that it owes us its share of money but it is entirely dependent on contributions from members states and donations from well-wishers. The Director of Audit, in his Reports No. 19 and 21 drew our attention to the UNHCR's continuing inability to keep up its side of the bargain which was struck for us by the British Government.

Right now, I estimate the outstanding debt of the UNHCR amounts to approximately HK\$950 million. If the government accounts were worked out in exactly the same way as that of the private sector, the value of this debt as stated in the balance sheet, as cost, would be highly questionable. It would be disingenuous to make provision for its collectability; but it would be worse still to write it off, because that would send out the signal that we do not expect to get the sum back, so the prophecy would become self-fulfilling.

The Public Accounts Committee urged the Hong Kong Government to goad the British Government into action. We have been informed that the Steering Committee of the Comprehensive Plan of Action met in Geneva this February and have called upon donors to contribute to the programme. It has also added a footnote in the audited accounts of the UNHCR for the year ended 31 December 1993 which states:

"In 1988, UNHCR and the Hong Kong Government reached a Statement of Understanding under which UNHCR indicated their commitment to meet costs of care, maintenance and social services required by all asylum seekers, refugees and persons determined not to be refugees as provided in project agreements with the Hong Kong Government and the voluntary agencies, and subject to the availability of funds for this purpose. The

Hong Kong Government states that its cumulative expenditure (net of reimbursement by UNHCR) on these items was HK\$861.6 million (US\$111.46 million) as of 31 December 1993. This amount is recorded as an asset in the financial statements of the Hong Kong Government."

Mr President, Sir Humphreys will be exceedingly proud of this particular statement because it really states nothing, it admits to nothing. Hong Kong acted on humanitarian grounds by offering a temporary refuge to these unfortunate Vietnamese people. So did other countries such as Singapore and Malaysia. Yet, the UNHCR has refunded them promptly. Why has it not repaid its debt to Hong Kong?

We call for action by the British Government, which dumped the burden on us in the first place, to get the UNHCR to refund our expenditure in accordance with the 1988 agreement. Although the audited accounts' footnote put the Hong Kong Government as a signatory to the Statement of Understanding, we have no real authority to enter into such international commitment without the active participation of the British Government. Hence we are fully justified to expect the British Government to be responsible for any arrears that the UNHCR is yet unable to repay.

MRS MIRIAM LAU: Mr President, in purported justification for the release of 125 Vietnamese migrants on 15 November, the Administration issued a paper to the Legislative Council Security Panel setting out the legal considerations which prompted such release. In that paper, the Administration claimed that it has examined the possibility of amending the Immigration Ordinance but concluded that legal advice was that such amending legislation would not survive a court challenge. However, legislators are not privy to such legal advice and the paper does not explain the basis upon which such a conclusion was reached. Is it suggested that even if there is express statutory provision enabling continued detention, such provision will be bad as being against the common law? Or is it suggested that such provision will be void because it infringes the Bill of Rights Ordinance? The paper is not at all clear on this point. It merely states that the courts in a common law jurisdiction correctly see themselves as protecting against arbitrary or indefinite administrative detention and any unlawful detention.

In my view, the detention of this batch of 125 Vietnamese migrants does not fall within the definition of "arbitrary or indefinite administrative detention or unlawful detention." My understanding is that the Vietnamese Government has not actually rejected acceptance of these Vietnamese migrants; the Vietnamese Government has simply not at this stage indicated that they will take these people back. According to the paper, the return of these migrants has merely been delayed by the Vietnamese authorities.

In the case of *LIEW Kar-seng vs HE the Governor in Council* which was cited by the Administration, Mr Justice GODFREY stated "If the authorities say:

"We will not remove the detainee" or "We cannot remove the detainee" or "Heaven knows when we will be able to remove the detainee", then in my judgement, they cease to hold the detainee "pending his removal" and the court can and should intervene to secure his release from detention." What the Administration's paper omitted to mention however was that Mr Justice GODFREY, in almost the same breath, also stated: "But if the authorities say, "We are sorry, cannot remove you just at the moment but we are doing our best to do so", then in my judgement, they continue to hold the detainee "pending his removal" and the court cannot and should not intervene unless it considers that there is no real prospect of the authorities ever succeeding within what, in all the circumstances of the case, the court considers a reasonable time in deporting the detainee." I would have thought that the Administration is still using its best endeavours to secure the agreement of the Vietnamese authorities to take back these migrants. This is what the Administration keeps telling us and this is what we believe the Administration keeps telling us and this is what we believe the Administration is doing. If that is so, how can the Administration now say that there is no real prospect of removing these migrants from Hong Kong within what a court in all the circumstances of the case would consider to be a reasonable time? What worries me is that by succumbing to pressure and releasing the migrants now, the Administration seems to be accepting there is in fact no reasonable prospect of returning these migrants to Vietnam at all. If this is not the case, then why did the Administration so readily concede that continued detention of these 125 migrants would be indefensible. In view of grave public concern that has arisen over this matter, perhaps the Administration would care to give the community a full explanation.

The paper by the Administration also mentions that if there is a challenge to legality of detention, section 13D(1A)(b) of the Immigration Ordinance does not assist the Administration to resist where the detained have volunteered to leave Hong Kong. This result was clearly not comprehended by the legislature when the Immigration (Amendment) Bill 1991 was passed. Section 13D (1A)(b) was included to encourage people who are not refugees to avail themselves of the Voluntary Repatriation Programme. It was intended to shield the Administration against the challenge of unlawful detention insofar as non-volunteers are concerned.

PRESIDENT: I think you have strayed into a sensitive area and you might prejudice a pending case, Mrs LAU. Please use your good judgement.

MRS MIRIAM LAU: Perhaps, Mr President, you can stop me if you really think I have strayed too far.

PRESIDENT: I am stopping you.

MRS MIRIAM LAU: But ironically, the same provision seems to have been turned into a sword to be used by volunteers to assert their right to be released. I do not believe that that was ever the intention of the legislature.

PRESIDENT: You are stopped, Mrs LAU.

MRS MIRIAM LAU: Yes. I will remove that statement from my speech.

It is trite law that statutes may limit or extend common law rights though they must be expressed in clear and unambiguous language. I am not suggesting that we should amend our laws to allow arbitrary or indefinite detention. Per Mr Justice GODFREY in the LIEW Kar-seng case, "No civilized system of jurisprudence could permit that." I agree. But between that and what we have in our laws, there should be room for some provision which caters for detention of volunteers who cannot, for one reason or another, be returned to Vietnam immediately. As the Secretary for Security pointed out during the Second Reading of the Immigration (Amendment) Bill 1991, "Our objective is resettlement or repatriation This objective would be frustrated if persons who have been found not to be refugees were to be released to live and work in the community. We would in those circumstances have lost control *de facto* over immigration into Hong Kong from Vietnam." The 125 Vietnamese migrants are now released to live and work in the community. There may yet be more of such cases to come and the community is extremely concerned. I believe that the Administration must use its best efforts to try and close the loophole in law. It must do so quickly before we lose control.

Lastly, lest the Administration's present concerns relates in any way to Bill of Rights considerations, I simply wish to point out that section 11 of the Bill of Rights Ordinance expressly contains reservation relating to immigration legislation.

Mr President, with these remarks, I support the motion.

MR WONG WAI-YIN (in Cantonese): Mr President, in May 1975, the vessel "Truong Xuan" carrying 3 743 Vietnamese refugees came to Hong Kong. The Government opened a reception centre in Chatham Road to assist refugees in the applying for resettlement in countries overseas. The problem of Vietnamese refugees and migrants that has been plaguing Hong Kong for nearly 20 years thus began. No solution has yet been found to this problem, and Vietnamese refugees and migrants are still a burden to the people of Hong Kong. Last month there were some new developments in that 125 migrants who had participated in the Voluntary Repatriation Programme were rejected by the Vietnamese Government, so that the Hong Kong Government was forced to transfer these 125 migrants to open camps. We, the people in Hong Kong, cannot help asking how much longer we are to shoulder this burden?

The way the Government dealt with the 125 migrants in this incident was unsatisfactory. In the spirit of legality, we do not oppose the transfer of these people to an open camp. But the Government had taken no step to consult and inform members of the various tiers of boards and councils in our district before those migrants were transferred. It merely arranged to have the District Officer to meet with district board members of Tuen Mun after wards. Moreover, the District Officer was unable to sufficiently explain the situation clearly. We had the feeling that the Government was disregarding the existence of the three-tier boards and councils when it went about this kind of black box operation.

What worries us most is how many more of such cases will surface in the Vietnamese boat people (VBP) centres. In a report of the Refugee Concern, it was first claimed that there were about 500 people, but later it said that there were about 700 such people. Can the Government inform us as to how many Vietnamese would not be taken in by the Vietnamese Government? The Government must learn a lesson from this incident and work out a strategy to deal with it. Otherwise, the problem of boat people would be even harder to solve.

Although the height of refugees intake in Tuen Mun is now over, the centre at Pillar Point is still accommodating over 1 500 people and it is the only open refugee centre in the territory. In the past, residents of Tuen Mun had negative views of the Vietnamese people, but please do not get me wrong. I am not saying that all Vietnamese migrants are people who defy the law and are barbaric. On the contrary, those whom I have met are quite gentle and courteous. But the point is that a group of people who are different from us in terms of culture and lifestyle are now being accommodated in our district. Of course, a few of them have committed crime, which worries the residents and makes them feel uneasy and unaccustomed to it. Whilst we recognize the Vietnamese people's right to live and the right of freedom, it is also true that inconvenience and anxiety have been caused to the residents of the district. They bear the brunt of the VBP problem. Very often have we heard that there are incidents of fighting, drug trafficking and prostitution inside the refugee camp, and very often weapons are found. This has caused great concern in our district. It has been the police's usual response that the problem is not serious. I think it is necessary for the police to draw up a full report in respect of open camps to set the minds of the residents at ease.

In respect of other districts which have VBP centres, similar cases emerged. The Whitehead Centre which is situated in Ma On Shan, Shatin has now a population of over 12 600. At the height of the VBP influx, the Centre had a population of 20 000 to 30 000. It is the largest VBP centre in Hong Kong. As the medical facilities of the centre are not adequate, the health of the people between 10 000 and 20 000 in number has been taken care of by Prince of Wales Hospital. When people have fallen sick, they have to see the doctor. We of course do not object to that. But the additional demand on health and care services by these 10 000 to 20 000 people are exerting heavy pressure on

Prince of Wales Hospital. This is because when the migrants go out to see the doctor, they have to be treated first as they have to go out and return early. As a result, Shatin residents are made to wait a lot longer for treatment, and obstetrical services seem to be provided exclusively for Vietnamese women migrants. Difficulties as such are substantial.

There is no big deal in helping Vietnamese people as they are in distress in Hong Kong. Naturally, they ought to have their basic right of living. However, the burden they have brought to Hong Kong is really substantial. We recognize that they have their basic human rights, too. However, the inconvenience or even burden they have brought to the people of Hong Kong must also be dealt with.

The only way out now is to speed up the repatriation of the VBP. As it is a fact that the boat people will not be taken in by other countries and that their presence in Hong Kong has created a lot of social problems, the best way out is to repatriate them. In fact, we already have our procedures for repatriation, namely, the Voluntary Repatriation Programme, Orderly Repatriation, Programme, and overseas resettlement for genuine refugees. Unfortunately, apart from the third means, the former two means are not quite working. There are 1 500 migrants whose refugee status has been established. As they are refugees, other countries have an obligation to take them in. What worries me is that the host countries concerned have "exhausted their choices" and it is difficult to ask others to absorb them. Since Hong Kong has fulfilled its obligation as a port of first asylum, both the British and the Hong Kong Governments should press western countries once again to effectively fulfil their international obligation.

As for the remaining 20 000-plus people, they have to wait for their voluntary repatriation or orderly return. Unfortunately, the number of people who have participated in the Voluntary Repatriation Programme has dropped sharply. In the past two years, we were able to repatriate nearly 12 000 people a year. But the number for this year had dropped by half. The reason may be that almost all the people who were willing to leave have already left, and those who are unwilling to leave are staying behind to "fight a war of attrition" with the people of Hong Kong. We hope that the British Government can solve the VBP problem without delay.

Besides, it is said that a few hundred of these Vietnamese people had stayed in China for some time and that they should be taken in by China. Fortunately, a Chinese official said publicly a few days ago that, if the identities of these people could be verified, they would be taken back. We welcome such a positive move by the Chinese Government. We hope that both Britain and the international community will likewise make such a positive move and have the VBP problem solved.

Mr President, with these remarks, I support the amendment motion by the Honourable Frederick FUNG.

MISS CHRISTINE LOH: Mr President, I agree with most of what my colleagues, Mr McGREGOR and Mr BARROW have said so I shall try to raise some new points. The Indo-Chinese migrants problem has been really an international problem, not just a Hong Kong problem, for over a decade. It is now very slowly moving towards some sort of conclusion. At this time how Hong Kong chooses to conduct itself is most important because it will have international as well as domestic implications. Hong Kong can choose to be more, rather than less, positive. I certainly hope that Hong Kong will not choose to be negative.

In order to close the camps by the end of 1995, those who have been given refugee status need to be resettled as quickly as possible. All the resettlement countries, including Britain, must take the refugees speedily. We certainly want Britain to do her bit in this matter, and as Mr BARROW has pointed out, we think Britain has been too slow. We also need Britain to put pressure on other resettlement countries to take their share as quickly as possible. But for those who have not been screened in as refugees, the international agreement is that they must return to Vietnam. The task is obvious. We must do more to assist the migrants to decide to return home voluntarily. Are we satisfied that Hong Kong has done everything that it could in this process? I do not think so, Mr President. Mr BARROW has highlighted some of the problems. There is more positive work that the Hong Kong Government, the United Nations High Commission for Refugees and the Hong Kong community can do separately and perhaps even together to help the migrants to volunteer to leave. I urge all of those who want to commit themselves to this process to take a fresh look at how to do this better. And of course at the same time we want Vietnam to process volunteers as quickly as possible.

Pressure must also be put on China to take back those migrants who chose China as their country of asylum. For example, we want China to speedily take back those who arrived from Guangxi Province after their homes were bulldozed because of development. There may be others who came from China. Further, all parties should assume that all outstanding family reunions be handled as quickly as possible. Those who have families applying from overseas to have the migrants who are still detained in our camps to join them should be processed with due speed.

Mr President, as you can see, many parties have a role to play in solving the migrants problem. Some of what needs to be done cannot be controlled directly by Hong Kong. We must press others. But what we can do is to control what measure would be helpful in Hong Kong. The role that we can control is, of course, how we can more effectively persuade the migrants to volunteer to go home. I repeat, let us try and be positive. Let us try and see

what more we can do. I am sure that the call for Britain to take all who cannot be repatriated anywhere is concentrating Britain's mind to find solutions. For Britain to concentrate its mind at this time is no bad thing. Perhaps it will not concentrate its mind with due speed until we threaten to put the problem at its doorstep.

As regards Mr TSO's amendment, I do not agree with it because I do not believe Hong Kong has had time to really consider whether we should want to give up the policy of "first asylum". This is a humanitarian issue. Hong Kong must give it very full consideration. Personally I would not like to see this policy scrapped.

As regards Mr FUNG's amendment, I think we are pressing the wrong button at this stage. Money is not the major issue and I do not want this debate to be diverted from the real issue at hand, which is what Hong Kong can do, what we ourselves believe to be the right thing to do to help end this very long and very sad saga. As I said before, Mr President, I would very much like Hong Kong to take on a positive attitude and a positive role.

Mr President, I therefore support the motion but not the amendments.

MRS ELSIE TU: Mr President, the Government has been claiming for the past two years that its political proposals are open, fair and acceptable to the the people of Hong Kong. This cliché has been used so often that it has become almost a joke.

But nothing in the case of the Vietnamese migrant problem has been open, fair or acceptable to Hong Kong. For this I am not blaming the Vietnamese, but I am blaming those who made the policies and are still making the policies.

We have never been told how much public money is spent on legal cases, including appeals and compensation, as well as all the other services we provide for the migrants, while neglecting our own people who are in need of housing and welfare services.

We were not forewarned that some migrants would be released, without consultation either with the public or with this Council. So much for the Government's so-called openness.

And what about fairness? Is it fair that the Hong Kong taxpayer should support the livelihood of tens of thousand of economic migrants? Is it fair that when no other country will accept them, we are expected to take responsibility? Is it fair that the decision to make Hong Kong a port of first asylum was forced upon us by Britain without our knowledge? Is it fair that the UNHCR leaves the Hong Kong taxpayers to foot its bills? Is it fair that we have to pay lawyers to fight against ourselves in court? There have been many other unfairnesses

throughout these 15 years, but I think enough has been said to that. The policy is utterly unfair to the Hong Kong people.

Now we come to the point of acceptability. Have we not been saying for many years that the decisions made by Britain and her allies in Geneva were unacceptable to us? They are not only unacceptable and not only to us, but also to our southeast Asian neighbours.

The Government pretends to make policies that are open, fair, and acceptable to the Hong Kong people. We have good reason to doubt its sincerity because the port of first asylum policy has never been open, fair, or acceptable. And now it appears to change in support of final asylum not first asylum. The countries which made up the first asylum policy have proved themselves to be hypocritical and they are so-called humanitarians in their own countries. I feel, Mr President, I support the motion and Mr Frederick FUNG's amendment. I also have some sympathy with Mr TSO's amendment so I would not oppose that either. Thank you. Mr President.

DR TANG SIU-TONG (in Cantonese): Mr President, the troubles brought to Hong Kong by Vietnamese boat people (VBP) are just too numerous to mention, and I need not to repeat them. In February this year, the 5th Steering Committee of the International Conference on Indochinese Refugees resolved that all 60 000 boat people stranded in Southeast Asia are to be repatriated to Vietnamese by the end of 1995. This resolution has brought a ray of hope to Hong Kong in its effort to solve the problem of the VBP. Unfortunately, both the United Nations High Commissioner for Refugees (UNHCR) and the Government have recently expressed the view that it would be impossible to achieve the target by the end of 1995. The British Foreign and Commonwealth Office even said that they could only "do all they could" to repatriate the boat people before Hong Kong's reversion to China in 1997. It seems that the situation is not all that optimistic.

Up to the end of November this year, the number of VBP repatriated is only 5 137, which is 60% less than what it was in 1992 and 1993 when 12 612 and 12 751 VBP were repatriated respectively. And on the average only 467 people have been repatriated per month this year. If we are to repatriate all the 20 000 or more VBP stranded in Hong Kong by 1995, at least 1 805 people will have to be repatriated per month. If the target date is to be deferred to as late as June 1997, at least 763 people will have to be repatriated per month. Looking at the speed of repatriation this year, it is obvious that we are way behind what is required in practice.

If the problem of VBP cannot be solved by 1997 when Hong Kong will revert to Chinese sovereignty, there will be two possible outcomes: first, the problem will be handed over to the SAR government to "clean up the pieces"; second, the VBP will be blended into our community silently, and the problem

of the VBP will change from an overt problem to a covert one. Neither case would be acceptable to the people of Hong Kong.

Mr President, the Government has recently released 125 boat people whom Vietnam has refused to take back, and the explanation offered by the Government is that "it has no right to re-detain them", that not to release them would mean an intentional breach of the law. But such an action is also contrary to the existing mode in handling immigrants. We all know that the VBP are illegal immigrants rather than refugees. Besides, the Government also prohibits any employer from employing illegal immigrants. However, these 125 VBP who are classified as illegal immigrants are allowed to go out to work. This is something contradictory to legal principles, and it also points to a double standard in dealing with this matter. In my view, this incident of releasing people is "kite-flying" in nature, which means that it is a plot of the Government in experimenting with integrating VBP into our community. I strongly condemn the Government for plotting this blatant violation of the law by trying to change the existing policy for VBP.

In order to ensure that the problem of VBP can be satisfactorily solved before the reversion, it is necessary for the British Government to make commitments. I propose that before it will withdraw from the territory, the British Government should take any VBP left stranded in Hong Kong back to Britain as a souvenir. In doing so, it can on one hand console itself, and on the other it can do one last good thing for Hong Kong. Some people may worry that in having Britain to "underwrite" the VBP stranded in Hong Kong, it would trigger off a mass exodus of these VBP. I agree that this might happen. However, Vietnam is now rebuilding its economy and many investors have gone to Vietnam to exploit opportunities of development. The fact that mass exodus is dwindling shows that the rebuilding of Vietnam's economy is having a stabilizing effect. If one says that having Britain "underwrite" in respect of the VBP would result in an influx of boat people coming to Hong Kong, it would then be an overestimation of Britain's attractiveness on one hand, and an insult to the Vietnamese Government on the other.

Mr President, the best way to stop boat people from "revisiting" Hong Kong is to scrap the policy of being the port of first asylum. Both I and my campaign manager, the Honourable Alfred TSO, are of the same opinion, and it is also the consensus of the residents of Western New Territories, namely, Yuen Long and Tuen Mun. To people who are not living in the New Territories, they probably have not experienced the kind of suffering that we have. It is well known that granting first asylum is the end product of Britains being "generous at the expense of Hong Kong". In the 15 years since 1979 when Hong Kong was forced to become a port of first asylum, public spending on the VBP has been as much as \$7 billion, without including expenditure on administration, human resources and medical resources. The main argument against the abolition of the policy of first asylum is that it is "not humane" to do so. We have heard just too much of this from European countries and the United States which talk profusely of moral obligations all the time but do not want to help. For more

than 10 years, to the VBP, Hong Kong has been "undertaking to provide them with meals, accommodation as well as child birth services". It is true that the VBP's camps are not that satisfactory, but comparing with those Hong Kong people who live in temporary housing areas, rooftop squatter huts, makeshift accommodation underneath flyovers and in crammed public housing units, what they in fact have "cannot match with the best, but certainly not the worst". What the Government has offered the VBP is really the most beneficial and the fairest that can be afforded.

If some people try every possible means to block us from solving the problem of boat people who are stranded in Hong Kong, no matter how grandiose and how pleasing they put up their justifications, I still find it unable to accept, and these people ought to be condemned by the whole community in Hong Kong. I call on such people to think over it and be sensible.

Mr President, I must reiterate that the British Government absolutely has the obligation to solve the problem of VBP stranded in Hong Kong before the handover. Since this heavy load was put on the shoulder of Hong Kong by the British Government, it is only proper and fitting that the matter should be "fixed" by Britain. The saying has it that "whosoever started the trouble should end it". Britain cannot shirk this responsibility. The British Government should contact the Vietnamese Government right away and discuss with it to work out a speedy arrangement to repatriate the VBP. For those boat people who cannot be repatriated, the British Government must pledge to "underwrite" and take them in. Also, Britain is obliged to recover the sum owed to Hong Kong by the UNHCR and ask them to repay the debt of \$1 billion which is the money which the people of Hong Kong have worked very hard to make. If the money cannot be recovered before 1997, then it is hoped that Britain will assume full responsibility over it.

Mr President, with these remarks, I support the motion and the amendment motion.

MISS EMILY LAU (in Cantonese): Mr President, the refugee problem is not only an international problem, but also a diplomatic problem of the United Kingdom. I do not believe that the Hong Kong Government has any say in this matter, nor do I think that the people of Hong Kong have any part to play in the formulation of the policy concerned. What we have witnessed over the years is the United Kingdom Government's total lack of initiative to assist Hong Kong in resolving the problem. Let us just take a look at the number of Vietnamese refugees that the United Kingdom has taken. How much effort has she made in lobbying western countries to resettle the refugees? How much effort has she made in persuading the Vietnamese Government to take back all those who are screened out as non-refugees? For the people in Hong Kong, a more important question should be: how much effort has the United Kingdom made in persuading the United Nations to settle its debt to us, which has accumulated up to over \$900 million. Therefore, I am of the view that the United Kingdom

Government is very irresponsible and should be censured by the people in Hong Kong. Mr President, as a member of the Public Accounts Committee, I have recently made another request to the Director of Audit to check this account, in order to find out the reasons why most of the countries of first asylum in Southeast Asia have been able to recover most of their money while Hong Kong is only capable of recovering such a small amount. It looks as if Hong Kong is most susceptible to bullying. I believe that this is closely connected with the fact that the United Kingdom Government has never exerted full efforts to fight for the interests of Hong Kong.

Mr President, however, we should always bear in mind that Hong Kong is also a community of refugees. I believe that some of my colleagues seated here came to Hong Kong as refugees and were given asylum by the colonial government of Hong Kong. My parents were refugees who sought refuge in Hong Kong; therefore, we have a refugee history behind us. At the same time, we cannot predict what would happen to us after 900-odd days. With such a history behind us and such an uncertain future looming ahead, we have all the more reason for well treating those refugees who are in such a desperate plight.

Acute racial discrimination does not exist in Hong Kong. I, of course, will lend my support to the Bill proposed by the Honourable Anna WU for it is imperative that laws be enacted to eliminate racial discrimination. Many a time, some people tend to make use of the issue of Vietnamese migrants to stir up anti-Vietnamese feelings among people, thinking that this would be a short-cut to political success. I am glad to tell Members that, during the election held in 1991, the refugee problem was a prominent issue in the constituency in which the Honourable Andrew WONG and I represented. Some candidates made great play of this issue in order to attract the voters' attention but Mr WONG and I, the two candidates who strongly advocated the adoption of a humane approach towards the refugees and the boat people, won the election. This illustrates that although some people want to convince us that Hong Kong has an aversion towards the refugees and the boat people, we remain unconvinced and believe that they are saying to maybe just to try stirring up the feelings of the public.

When people in Hong Kong see that there are other people who are so weak and in such dire straits and who need a little help from us, I believe most of us will feel that we should try our best in helping out if we can — though some may describe us as offering help despite an excessively heavy burden on our own shoulders. Of course, we have to make it a fair deal for us; therefore, I stress that we must try our best to press the United Kingdom Government so that it can offer us every possible assistance. Mr President, I fail to see efforts on the part of the United Kingdom Government to help us out in any respect. I believe that the crux of the matter lies in the Hong Kong Government's failure to present a strong case to the United Kingdom Government and inform it that while Hong Kong people are willing to take care of people in predicaments, the United Kingdom Government should not be spared the responsibility of seeking a solution without delay.

As for the release of 125 Vietnamese, I agree with some of the Members that we do not need to over react. I hope that the Government can later give us a detailed explanation of the legal basis for such a decision. Hong Kong is a society where the rule of law prevails. We do not want to see the Government going against the law, neither do we want to see the Government amending the legislation so as to detain indefinitely those afflicted persons. In fact, Mr President, what harm can these 125 people do? Everyday, 105 holders of One-way Exit Permits enter Hong Kong from China, which means that about 40 000 people enter Hong Kong in a year. On top of this, an unknown number of people is swarming into Hong Kong from all four corners of the earth. What if we really allow those unfortunate persons to stay in Hong Kong? I have consulted extensively the opinions of my supporters, some of whom agree with me but have this to say to me, "Emily, you would better watch out if you are going to say that in the Legislative Council, because some of your opponents would use that to attack you in a bid to beat you in next year's election." However, Mr President, I will still speak up and say what I believe. If the public really thinks that I have erred, I do not believe they will vote for me next year. If, in the interim period, I lack even a modicum of courage to speak up, should I still qualify to be a directly elected Legislative Councillor? If we dare not state in public our support for and insistence on the rule of law and human rights, will we feel ashamed to face the people of Hong Kong? Therefore, Mr President, I support Mrs Selina CHOW's motion which urges the Government to close all VBP centres by the end of this year in accordance with the target agreed internationally. This group of unfortunate people will have a hard time if they are kept in a closed camp — adults and children together. I hope the VBP centres can be closed as soon as possible and those who are given the status of refugees can be resettled in the host countries at the fastest possible pace; however, those who are screened out as non-refugees should be immediately repatriated. I oppose the proposal of Mr Alfred TSO who advocates the abolition of the policy of the port of first asylum. This would be both inhumane and impracticable. Does the Member believe that the Marine Police, the British Armed Forces or any other people would tow the boats out to the high sea and when the boats sink and the boat people swim into Hong Kong waters, they would still be turned away? I do not believe that Hong Kong people would support that at all.

Mr President, the time has come for us, the people of Hong Kong, to rise and speak for the rule of law and human rights if we really uphold the same. I absolutely do not believe that people can obtain more votes and win more political mileage by attacking the weak. I do not believe it and I feel it is fortunate that not many people in this Council seek to employ this tactic. Mr President, a civilized society must also be a caring one. I hope that we, the people of Hong Kong, can show our care for others who are in such adversities.

With these remarks, I support the motion.

MR HOWARD YOUNG (in Cantonese): Mr President, the issue of the Vietnamese boat people (VBP) is not a new topic for debate. There have been numerous debates in the media, in various other forums and in this Council. Mrs Selina CHOW has brought up this issue again this time mainly because the recent release of some VBP by the Government has aroused much concern. Perhaps the Government might have considered it a mere misunderstanding when it later on, but I feel that it is opportune to bring this up for discussion at this juncture.

I just want to comment on the amendment proposed by a Member which calls upon the Government to scrap the policy of "first asylum". In proposing his amendment, Mr Alfred TSO pointed out that as the issue of the VBP was a bomb or a time bomb, he had proposed the scrapping of the policy. He also said that if such action were not taken, the problem of the boat people influx would not be resolved. At the same time, he criticized Mrs Selina CHOW's original motion for failing to drive home a key point. In fact, if Mr TSO's motion were brought up 10 years ago, I personally might have thought that it did carry a certain appeal because there was indeed an influx of boat people and it was also a long-term time bomb. But today, the situation is fundamentally different. Even though there are as many as 24 000 boat people still being stranded in Hong Kong, comparing to the overall number of boat people who have set foot on our shores throughout the past 10-odd years, this is, after all, only a small number, say, a number neither too big nor too small. But objectively speaking, these 24 000-plus people represent only a small number as compared to the overall number of Vietnamese boat people who have come to Hong Kong.

Secondly, I feel that the issue now is not about an influx of boat people which is continuing. Many Members have mentioned that only a small number of newly arrived boat people recently. Therefore, that is not where the problem lies. Rather, I feel that what Mrs Selina CHOW is proposing is a positive and feasible approach. Its demands of the Hong Kong Government and the British Government to take a more active approach in urging the Vietnamese Government through negotiation to take these boat people back as soon as possible. We do not need any argument, which, to somebody, might be high-sounding and vote-winning, but which raised the threat of scrapping of the policy of "first asylum", targeting at the boat people, as a means to resolve the problem. I feel that should Hong Kong do so, we would have to pay a price at the expense of our moral standing and good name on the international stage. We have to ask: Is it worth doing so? Therefore, Mr President, I feel that persistent emphasis on the issue of first asylum would be out of keeping with the practical situation. Of course, we do not support the policy that Hong Kong should remain a port of first asylum permanently because it is a British foreign policy which has been imposed on Hong Kong by Britain. I believe that after 1997, this problem will naturally be solved though at this time we have no means of knowing about what decision will be made by our future sovereign. Yet the people of Hong Kong cannot make the decision on their own.

I hope that we can successfully win over world opinion through negotiation and through our efforts. We can also launch more publicity campaigns among the Vietnamese boat people to keep them informed that Vietnam is no longer in the same condition as she was when they left. I feel that even though the problem might not be resolved before 1995 as Mrs Selina CHOW expects, it might be resolved before 1997. Therefore, it would not be appropriate to raise the question of first asylum now or to frequently lay undue emphasis on it. I do not support the amendment in this respect. I support Mrs Selina CHOW's original motion and Mr Frederick FUNG's amendment.

PRESIDENT: Secretary for Security, I shall have to interrupt you in five minutes, though, at eight o'clock.

SECRETARY FOR SECURITY: Mr President, for almost 20 years since the fall of Saigon in 1975, Hong Kong has been burdened by the problem of the Vietnamese boat people. The frustration of the community is, therefore, understandable. The Government acknowledges this and is committed to resolving this problem as early as possible.

There are several proposals in the motion before us today and the amendments to that motion, namely, that all detention centres should be closed by the end of 1995; that repatriation should be speeded up; that Vietnamese migrants should not be given permanent residence status in Hong Kong; that the "first asylum" policy should be abandoned; that Britain should take in those whom it is not possible to repatriate to Vietnam; and that the debt owed to Hong Kong by the UNHCR should be fully recovered. I will deal with each of these in turn, but before doing so, I should like to recall what we have achieved since 1989 when the Comprehensive Plan of Action (CPA) was agreed.

The CPA set out a framework of arrangements for the resolution of the problem of Vietnamese migrants. In summary, it provided for the grant of temporary asylum by countries in the region to Vietnamese migrants pending the determination of their status as refugees or economic migrants; for the resettlement in third countries of refugees; and for the repatriation to Vietnam of non-refugees. That accorded precisely with the policy which Hong Kong itself had established in 1988 and for the record, since it is frequently misrepresented, I should make it clear that this policy, including the continuation of "first asylum", was formulated and decided by the Hong Kong Government. It was not forced on us by the United Kingdom Government against our will or against our better judgment.

There is no question that the burden of the CPA has fallen mainly on the countries of "first asylum", and particularly Hong Kong, which has had to cope with the arrival of some 80 000 Vietnamese migrants in the past seven years, about 50% of the regional total. Nevertheless, the CPA has served us well. It is achieving its aim of resolving the problem of Vietnamese migrants. At the time

the CPA was agreed in June 1989, Hong Kong's Vietnamese migrant population stood at 50 000. It subsequently climbed to almost 65 000, but in the past three years it has reduced to 25 000. Since 1989, 26 000 Vietnamese refugees have left Hong Kong for resettlement overseas and nearly 45 000 non-refugees have been repatriated to Vietnam. We could not have achieved this by ourselves. We needed the assistance of the international community and we are grateful for that assistance. We shall continue to need their help to bring this long, drawn-out saga to a close. We should not allow our frustration to deflect us from a policy which is proving successful, even if more slowly than we might wish.

8.00 pm

PRESIDENT: It is now eight o'clock and under Standing Order 8(2) the Council should adjourn.

ATTORNEY GENERAL: Mr President, with your consent, I move that Standing Order 8(2) should be suspended so as to allow the Council's business this evening to be concluded.

Question proposed, put and agreed to.

SECRETARY FOR SECURITY: Earlier this year the international community fixed the end of 1995 as the target date for the winding up of the CPA. Against the background of negligible arrivals and over 30 000 departures in 1992 and 1993, this target appeared achievable at that time. Much as I would like to see all our camps closed by the end of 1995, I have to say that this objective is no longer realistic. This year has seen a marked drop in repatriation to Vietnam. The total number returning to Vietnam in 1994 is likely to be slightly under 6 000, or less than half the total in each of the preceding two years. It is not a coincidence that the start of regular mandatory repatriation flights in late 1991 led to a record number of voluntary returns in the subsequent two and a half years, nor that the suspension of mandatory repatriation flights in the middle of this year was accompanied by a sharp downturn in voluntary repatriation. Since mandatory flights were resumed in September, we have seen an encouraging upturn in applications for voluntary return to Vietnam, although we still have a long way to go before we reach the average monthly rate of return of 1992 and 1993.

We do, therefore, intend to press, in bilateral discussions with the Vietnamese Government and in the wider context of the CPA as a whole, for an increase in the rate of mandatory repatriation. Nevertheless a realistic timetable for the return of all non-refugees to Vietnam would now appear to be two years rather than one year. This is not a guarantee. I cannot foretell the future. It is, I believe, a reasonable estimate.

There is no doubt that the recent release from detention of 125 screened-out Vietnamese migrants has been a setback to our policy of repatriation and to a final resolution of this problem. These 125 had applied to return to Vietnam but had not been accepted for return by the Vietnamese authorities. In those circumstances their release was necessary as their continued detention would have been unlawful. The Government must act within the law. We are, as a community, rightly proud of our respect for the rule of law. This is not something we can invoke when it suits our purpose and disregard when it does not. It must apply without exception. Nor is it possible to amend the law to close this so-called loophole. This would require this Council to sanction indefinite administrative detention. Our courts would rightly not uphold such a law. I am not able to debate the finer legal points of this with Mrs Miriam LAU but the essential point is that, given the outright refusal by the Vietnamese Government to accept back some of this group of 125 and their failure over many months to clear the remainder of the group for return, we cannot at present say that there is any prospect for their repatriation in the reasonably foreseeable future.

Nevertheless, this group remain illegal immigrants. They have no status of residence. There is no intention to permit them to acquire residence rights in Hong Kong. The British and Hong Kong Governments have made representations to the Vietnamese authorities, but we have not so far been successful in securing agreement for the repatriation of these 125 persons.

Here I must clarify a point made by Mrs Selina CHOW. We have not obtained the agreement of the Vietnamese Government to their return within the next three months, and I do not believe that anyone in the Security Branch has made a statement to that effect, whatever may have been reported. We have requested early discussion of all these cases and have offered to send a team of Hong Kong Government officials to Hanoi for this purpose. We await the Vietnamese Government's agreement to this. We have had good co-operation on repatriation in recent years from the Vietnamese Government as the return to date of almost 45 000 persons clearly demonstrates. We believe that with such co-operation the present difficulties can be overcome.

Mrs Selina CHOW has also mentioned the conspiracy theory, that the release of the 125 Vietnamese migrants is part of a plan to settle thousands or even tens of thousands of Vietnamese migrants in Hong Kong and so achieve the 1995 target for closing the detention centres. Mr President, I would say that we are not that devious. Some might say we are not that clever. Whichever of those you prefer, we did not hatch this particular conspiracy. It was hatched only in someone's imagination.

Hong Kong has a proud record of granting asylum to those fleeing persecution, as were undoubtedly some of the Vietnamese boat people. The maintenance of that policy has in turn secured for us the assistance of the international community in resolving the problem of the boat people. Its abandonment would not help in any way to secure the repatriation of the 23 000

economic migrants now left in our camps. In fact, its effect would be quite the reverse. To abandon the policy of "first asylum" would in practice require us physically to turn away to an uncertain fate boats full of men, women and children. This would be neither feasible nor morally defensible. It would result in Hong Kong being condemned in the eyes of the world. This could not be to our advantage either in resolving the remaining problem of the Vietnamese migrants or in our wider interests in the years ahead. In any event, as many Members have pointed out, the number of Vietnamese arriving on our shores has dropped to a trickle over the past three years. This also has been the result of our programme of mandatory repatriation. We do not believe that we shall see a change in this trend. There is, therefore, no justification for a reversal of our asylum policy, nor any practical benefit from such a change.

The CPA clearly provides that all screened-out Vietnamese migrants must return to Vietnam. We are working towards that objective and will continue to do so. In that context, the proposal that the United Kingdom should agree to take in before 1997 those who are rejected by the Vietnamese Government is not helpful nor realistic. It undermines what we are seeking to achieve just as surely as would the prospect of permanent residence status in Hong Kong, and it runs counter to the principles enshrined in the CPA. The better course is to secure the agreement of the Vietnamese authorities for the return of all screened-out migrants. This is the intention of both the British and Hong Kong Governments.

The UNHCR debt to the Hong Kong Government now stands at almost \$1 billion. The Government understands the concern expressed over the failure of UNHCR to repay this debt. The UNHCR does not have any independent source of revenue. It relies on the international community for the funds necessary to finance its operations worldwide. The Government has repeatedly brought to the attention of the UNHCR and its donors the size of the debt and our concern to secure its early discharge. The UNHCR in turn has told us that it would use its best endeavours to pay back the amount owed. However, the true debtor is the international community at large. We shall, therefore, continue to impress on all those countries the need for the UNHCR to meet its financial obligations to the territory and the need to fund the CPA adequately for this purpose.

Mr President, there is much in Mrs Selina CHOW's motion with which the Administration agrees. We agree that we should seek to repatriate Vietnamese non-refugees as soon as possible and close the detention centres, though we no longer believe that it is feasible to achieve these aims by the end of 1995. We agree that screened-out Vietnamese migrants should return to Vietnam and not be given permanent resident status in Hong Kong. We do not, however, agree that we should offer them the prospect of resettlement in Britain or elsewhere. That would hinder, not help, the overall resolution of the problem. The *ex officio* Members will, therefore, abstain on Mrs CHOW's motion and Mr FUNG's proposed amendment. For the reasons I have given the Administration does not support the abandonment of the policy of "first asylum"

and the *ex officio* Members will, therefore, oppose Mr TSO's proposed amendment.

Thank you, Mr President.

PRESIDENT: Mr Alfred TSO has given notice to move an amendment to the motion. His amendment has been printed in the Order Paper and circulated to Members. I propose to call on him to move his amendment now.

MR ALFRED TSO moved the following amendment to Mrs Selina CHOW's motion:

"To insert after "a decade" the words ", this Council urges the Government to abolish immediately the 'Port of First Asylum' policy and plug up other loopholes in order to prevent possible influx of boat people into the territory consequent upon the Government's move to allow boat people rejected by the Vietnamese Government to become 'residents of Hong Kong' in disguised form"; to delete "this Council urges the Government to"; and to delete "The Government should not, for the purpose of closing the VBP centres, alter the illegal immigrants status of the boat people and allow them to become permanent residents of Hong Kong; and instead" and substitute with "To achieve the target"."

MR ALFRED TSO (in Cantonese): Mr President, I move that Mrs Selina CHOW's motion be amended as set out in the Order Paper.

Question on Mr Alfred TSO's amendment to Mrs Selina CHOW's motion proposed.

PRESIDENT: Mrs Selina CHOW, do you wish to speak? You have a total of five minutes to speak to all the amendments.

MRS SELINA CHOW (in Cantonese): Mr President, I believe that just now Mr Peter WONG and Mr Howard YOUNG have clearly elaborated on the views of the Liberal Party as well as my opinions on these two amendments. Therefore, I do not intend to discuss these amendments further. However, I would like to make it clear that the Liberal Party will vote against Mr Alfred TSO's amendment, but vote for Mr Frederick FUNG's amendment.

Question on Mr Alfred TSO's amendment to Mrs Selina CHOW's motion put.

Voice vote taken.

THE PRESIDENT said he thought the "Noes" had it.

MISS EMILY LAU: I claim a division.

PRESIDENT: Council will proceed to a division.

PRESIDENT: Would Members please proceed to vote?

PRESIDENT: Are there any queries? If not, the result will now be displayed.

Dr TANG Siu-tong and Mr Alfred TSO voted for the amendment.

The Chief Secretary, the Attorney General, the Financial Secretary, Mr Allen LEE, Mrs Selina CHOW, Mr Martin LEE, Mr SZETO Wah, Mr Andrew WONG, Mr Edward HO, Mr Martin BARROW, Mrs Miriam LAU, Dr LEONG Che-hung, Mr Jimmy MCGREGOR, Mr Peter WONG, Mr Albert CHAN, Mr CHEUNG Man-kwong, Rev FUNG Chi-wood, Mr Frederick FUNG, Mr Michael HO, Dr HUANG Chen-ya, Dr LAM Kui-chun, Dr Conrad LAM, Miss Emily LAU, Mr LEE Wing-tat, Mr Eric LI, Mr Fred LI, Mr MAN Sai-cheong, Mr TIK Chi-yuen, Mr James TO, Dr YEUNG Sum, Mr Howard YOUNG, Mr WONG Wai-yin, Miss Christine LOH, Ms Anna WU and Mr James TIEN voted against the amendment.

Mrs Elsie TU abstained.

THE PRESIDENT announced that there were two votes in favour of the amendment and 35 votes against it. He therefore declared that the amendment was negatived.

PRESIDENT: Mr Frederick FUNG, you may move your amendment now.

MR FREDERICK FUNG moved the following amendment to Mrs Selina CHOW's motion:

To add the following after "..... those who are rejected by the Vietnamese Government.":

"The Government should also recover the full amount of debt owed to Hong Kong by the office of the United Nations High Commissioner for Refugees (UNHCR) before 1997. Failing that, the British Government should repay the arrears to the future Special Administrative Region Government on behalf of the UNHCR."

MR FREDERICK FUNG (in Cantonese): Mr President, I move that Mrs Selina CHOW's motion be amended as set out in the Order Paper.

Question on Mr Frederick FUNG's amendment to Mrs Selina CHOW's motion proposed and put.

Voice vote taken.

THE PRESIDENT said he thought the "Ayes" had it.

Mr Frederick Fung claimed a division.

PRESIDENT: Council will proceed to a division.

PRESIDENT: Would Members please proceed to vote?

PRESIDENT: Are there any queries? If not, the result will now be displayed.

Mr Allen LEE, Mrs Selina CHOW, Mr Martin LEE, Mr SZETO Wah, Mr Andrew WONG, Mr Edward HO, Mrs Miriam LAU, Dr LEONG Che-hung, Mrs Elsie TU, Mr Peter WONG, Mr Albert CHAN, Mr CHEUNG Man-kwong, Rev FUNG Chi-wood, Mr Frederick FUNG, Mr Michael HO, Dr HUANG Chen-ya, Dr LAM Kui-chun, Dr Conrad LAM, Miss Emily LAU, Mr LEE Wing-tat, Mr Eric LI, Mr Fred LI, Mr MAN Sai-cheong, Mr TIK Chi-yuen, Mr James TO, Dr YEUNG Sum, Mr Howard YOUNG, Mr WONG Wai-yin, Dr TANG Siu-tong, Ms Anna WU, Mr James TIEN and Mr Alfred TSO voted for the amendment.

Mr Jimmy MCGREGOR and Miss Christine LOH voted against the amendment.

The Chief Secretary, the Attorney General, the Financial Secretary, Mr Martin BARROW and Mr CHIM Pui-chung abstained.

THE PRESIDENT announced that there were 32 votes in favour of the amendment and two votes against it. He therefore declared that the amendment was carried.

PRESIDENT: Mrs Selina CHOW, you are now entitled to reply and you have three minutes six seconds out of your original 15 minutes.

MRS SELINA CHOW (in Cantonese): Earlier on, quite a number of Members mentioned that the problem of Vietnamese boat people is an international problem. For more than 10 years, Hong Kong has not been having any absolute discretion in this matter. Therefore, when the Secretary for Security spoke just now — at both the beginning and the end of his speech — he was obviously "beating a retreat" in advance for Britain. I trust that it will not have much a convincing effect. He mentioned that it would not be helpful for us to ask Britain to "underwrite", nor would it be realistic. I wonder who it would not be as helpful? I wonder why it would not be realistic? From the point of view of the Hong Kong people, what we must do is to spell out clearly the message that the people of Hong Kong want Britain to be responsible, and that they want the British Government to try its best to consider and accommodate our wish.

Earlier on when the Secretary for Security spoke, he pointed out that "we" do not agree with these demands. I am not sure by mentioning "we", he meant the Hong Kong Government or the British Government. Earlier on, I also heard a colleague saying that this would not be realistic and that this debate was over politicized and over reacting. Another colleague even said that this was to stoke the fire of racial discrimination. In respect to this, may I say that with the burden we have shouldered for 15 years, we cannot agree with the way this colleague commented on the problem. What the Honourable Jimmy McGREGOR said sounds like accusing Hong Kong of being a very unkind community. I wonder how he would view the policy that illegal immigrants from mainland China are repatriated on arrest. Would he think that this is humane relative to the policy on Vietnamese boat people? Or is it inhumane? Would he think that Hong Kong should take in all the boat people? Does he take issue with the motion to demand of the Hong Kong Government and the British Government to fulfill their obligations and commitments?

Hong Kong is a very kind community. But the injustice of the whole thing lies in the fact that the international community has been "generous at our expense" for over an inordinately long period. They are being hypocritical. This can be easily seen from the double standard shown in the way they deal with people having illegally entered their territory and the way they ask Hong Kong to tolerate Vietnamese boat people. I hope that Members can face up to this problem and urge Britain and the international community to take up the responsibility they owe to Hong Kong.

Question on Mrs Selina CHOW's motion as amended by Mr Frederick FUNG put.

Voice vote taken.

THE PRESIDENT said he thought the "Ayes" had it.

MR JIMMY MCGREGOR: May I have a division?

PRESIDENT: Council will proceed to a division.

PRESIDENT: Would Members please proceed to vote?

PRESIDENT: Are there any queries? If not, the result will now be displayed.

Mr Allen LEE, Mrs Selina CHOW, Mr Martin LEE, Mr SZETO Wah, Mr Andrew WONG, Mr Edward HO, Mrs Miriam LAU, Dr LEONG Che-hung, Mrs Elsie TU, Mr Peter WONG, Mr Albert CHAN, Mr CHEUNG Man-kwong, Rev FUNG Chi-wood, Mr Frederick FUNG, Mr Michael HO, Dr HUANG Chen-ya, Dr LAM Kui-chun, Dr Conrad LAM, Miss Emily LAU, Mr LEE Wing-tat, Mr Eric LI, Mr Fred LI, Mr MAN Sai-cheong, Mr TIK Chi-yuen, Mr James TO, Dr YEUNG Sum, Mr Howard YOUNG, Mr WONG Wai-yin, Dr TANG Siu-tong, Miss Christine LOH, Ms Anna WU, Mr James TIEN and Mr Alfred TSO voted for the motion.

Mr Jimmy MCGREGOR voted against the motion.

The Chief Secretary, the Attorney General, the Financial Secretary, Mr Martin BARROW and Mr CHIM Pui-chung abstained.

THE PRESIDENT announced that there were 33 votes in favour of the amended motion and one vote against it. He therefore declared that the amended motion was carried.

PRIVATE MEMBER'S BILL**Second Reading of Bill****FILM CENSORSHIP (AMENDMENT) BILL 1994****Resumption of debate on Second Reading which was moved on 16 November 1994**

Question on Second Reading proposed.

SECRETARY FOR RECREATION AND CULTURE: Mr President, this is an issue which we have debated on several occasions in this Council over the years.

The Government have said that in our view section 10(2)(c) and section 10(3)(d) are consistent both with the Bill of Rights and the International Covenant on Civil and Political Rights; we have not, therefore, felt it necessary to remove them from the Film Censorship Ordinance. That has been and still is the position of our Legal Advisers and of the Administration.

I fully appreciate the motive behind the Honourable Martin LEE's Amendment Bill. But I would like to stress that section 10(2)(c) has only been used most sparingly. Out of more than 7 700 films examined since the Ordinance came into existence in 1988, section 10(2)(c) has only been invoked once and on that occasion it was not to ban a film outright.

The main purpose of the Film Censorship Ordinance is of course to protect young people from exposure to excessive violence, sex and obscene behaviour in films — aims which I believe are not controversial and which enjoy the support of this Council and of the community at large. That primary objective will not in our view be affected by the deletion of section 10(2)(c). For that reason, although the Government does not accept the case for deleting section 10(2)(c), the *ex officio* Members will abstain in the vote.

MR MARTIN LEE (in Cantonese): Mr President, I realise that most of the Members are going to support this important Bill.

The purpose of this Bill is to remove from the executive branch of the Government the power to cut or ban films on political grounds.

The existence of the Film Censorship Ordinance constitutes an inglorious page in the history of Hong Kong. In order to suppress dissenting voices in the past, the colonial Government passed legislation to control freedom of assembly, speech and expression. In fact, all these laws were made in order to deal with leftist influences in Hong Kong. In the 1950s and 1960s, a number of films banned on political grounds were Mainland China productions, for example,

"The Opium War", "Lin Zexu", and so on. Any film that was critical of Britain and her colonialism would be liable to be banned or cut. During the 1980s, Sino-British relations improved and films banned or cut were related to the depiction of conditions in Mainland China. With the coming of 1997, these "draconian laws" should gradually be abolished. We do not need a paternalistic guardian to tell us what films we can or cannot watch.

In the 1990s, with the rapid development of the information technology in Hong Kong, there is a variety of political opinions disseminating in society, acting, interacting and reacting with each another. The public can receive diversified political ideas from newspapers, magazines, radio and television programmes. It is in violation of the Bill of Rights to impose political vetting on films and it is also inappropriate to do so at present. I believe that Government officials also understand this point.

I am sincerely grateful to Members' for their support and to the Administration for refraining from objection. To abstain is better than to object. We are now working together to turn over the inglorious page in the annals of Hong Kong in a bid to safeguard our basic civil rights. The Administration should also amend those ordinances which are in violation of the Bill of Rights without delay. If the Administration continues to be dilatory in this matter, Members will have to take their own initiative to propose amendments. Stones or boulders that get in the way should be removed. One has to remove them if no one else does. The road to freedom starts with removing these boulders.

Mr President, these are my remarks.

Question on the Second Reading of the Bill put.

Voice vote taken.

THE PRESIDENT said he thought the "Ayes" had it.

MR MARTIN LEE: Division.

PRESIDENT: Council will proceed to a division.

PRESIDENT: Would Members please proceed to vote?

PRESIDENT: Are there any queries? If not, the result will now be displayed.

Mr Allen LEE, Mrs Selina CHOW, Mr Martin LEE, Mr SZETO Wah, Mr Edward HO, Mr Martin BARROW, Mrs Miriam LAU, Mr Jimmy MCGREGOR, Mrs Elsie TU, Mr Peter WONG, Mr Albert CHAN, Mr CHEUNG Man-kwong, Rev FUNG Chi-wood, Mr Frederick FUNG, Mr Michael HO, Dr HUANG Chen-ya, Dr Conrad LAM, Miss Emily LAU, Mr LEE Wing-tat, Mr Fred LI, Mr MAN Sai-cheong, Mr TIK Chi-yuen, Mr James TO, Dr YEUNG Sum, Mr Howard YOUNG, Mr WONG Wai-yin, Dr TANG Siu-tong, Miss Christine LOH and Ms Anna WU voted for the motion.

The Chief Secretary, the Attorney General and the Financial Secretary abstained.

THE PRESIDENT announced that there were 29 votes in favour of the motion and no vote against it. He therefore declared that the motion was carried.

Bill read the Second time.

Bill committed to a Committee of the whole Council pursuant to Standing Order 43(1).

Committee Stage of Bill

Council went into Committee.

FILM CENSORSHIP (AMENDMENT) BILL 1994

Clauses 1 and 2 were agreed to.

Council then resumed.

Third Reading of Bill

MR MARTIN LEE reported that the

FILM CENSORSHIP (AMENDMENT) BILL 1994

had passed through Committee without amendment. He moved the Third Reading of the Bill.

Question on the Third Reading of the Bill proposed, put and agreed to.

Bill read the Third time and passed.

ADJOURNMENT AND NEXT SITTING

PRESIDENT: In accordance with Standing Orders I now adjourn the Council until 2.30 pm on Thursday 8 December 1994.

Adjourned accordingly at twenty-four minutes to Nine o'clock.

Note: The short titles of the Bills/motions listed in the Hansard, with the exception of the Shipping (Miscellaneous Powers) Bill 1994, Film Censorship (Amendment) Bill 1994 and Interpretation and General Clauses Ordinance, have been translated into Chinese for information and guidance only; they do not have authoritative effect in Chinese.